

S L A V E S.

TWO VOLUMES.

— (2.) —

RELATING TO

SLAVES; SLAVE LAWS; SLAVE MANUMISSIONS
AND POPULATION;
MALTREATMENT OF SLAVES.

STATE PAPERS;
TRADE WITH THE WEST INDIES AND AMERICA.

Session

26 October 1830 — 22 April 1831.

VOL. XVI.

WITH

A NUMERICAL LIST OF THE PRINTED PAPERS;

AND

A GENERAL INDEX TO THE WHOLE.

1830-31.

S L A V E S.

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AND,

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P A P E R S

PRESENTED TO PARLIAMENT, BY HIS MAJESTY'S
COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY
HIS MAJESTY'S GOVERNMENT

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

THE CAPE OF GOOD HOPE,

AND AT THE MAURITIUS.

[In continuation of the Papers presented in the Year 1830, No. 676.]

1831.

Ordered, by The House of Commons, to be Printed,
10 March 1831.

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SLAVE POPULATION

IN THE

WEST INDIES, SOUTH AMERICA, CAPE OF GOOD HOPE,

AND

THE MAURITIUS.

JAMAICA.

— No. 1. —

COPY of a DESPATCH from the Earl of *Belmore* to Secretary Sir *George Murray*; with One Enclosure.

JAMAICA.

Sir, King's House, Jamaica, 10th December 1830.

REFERRING you to my Speech at the opening of the present session, I have now the honour to enclose a copy of my Message to the House of 12th ultimo, which accompanied your despatch of 8th April last.

It is with the deepest regret I am to acquaint you, that the Slave Bill which had been introduced into the House was thrown out on the second reading, by a majority of 24 to 16.

An attempt was made yesterday to bring this subject again under the consideration of the House, in the form of a Bill for the admission of Slave Evidence; but it was decided to be contrary to the rule of the House to revive a question, once disposed of, during the same session, and the Bill was lost.

I have, &c.

Right Hon. Sir George Murray.

(signed)

BELMORE.

Mr. Speaker,

I am commanded by his Excellency the Governor to bring down to the House the copy of a Despatch from the Colonial Office, stating the objections of His Majesty's Government to certain clauses in the Act of last session, intituled, "An Act for the Government of Slaves," which has since been disallowed by His Majesty's Order in Council, bearing date the 3d July last; and an extract of a Report made to His Majesty in Council by the Committee of Council, to whom His Majesty was pleased to refer the said Act.

— No. 2. —

COPY of a DESPATCH from Viscount *Goderich* to the Earl of *Belmore*; with One Enclosure.

My Lord,

Downing-street, 23d February 1831.

I ENCLOSE to your Lordship herewith copies of a Communication which I have received from Mr. James B. Wildman, the owner of an estate called Low Ground, in the parish of Clarendon, in Jamaica, complaining of cruelties committed by a person named M'Donald, the proprietor of an estate called North Hall, upon an elderly female slave named Eleanor James, belonging to Mr. Wildman's estate.

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Your

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Your Lordship will perceive by the documents annexed to Mr. Wildman's letter, that the circumstances of the case are stated as follows : Eleanor James states that " Butler, a negro man belonging to Mr. M'Donald, bought a hog from her for his master : the payment having been delayed, she dunned the man, and he told her that his master would not pay unless she applied to himself. She accordingly went to North Hall in the evening of the 28th of November, accompanied by another negro woman named Joanna Williams, also belonging to Low Ground, and applied to Mr. M'Donald for payment of the hog : he instantly ordered her to be taken a short distance from his dwelling-house, and there, he himself superintending, to be laid down and flogged. She was flogged by two drivers in succession ; the first used a whip, the second used switches : she was afterwards raised and washed with salt pickle. Mrs. M'Donald, the wife of M'Donald, and her sister, were in the dwelling-house, and heard the order given to flog her ; the sister interceded : there was also a white young man present, who was walking in or near the piazza when the order was given. The morning after, M'Donald sent her two dollars, and ordered her to leave the property ; she did so ; and went immediately to Low Ground, and showed herself to Francis Smith, a free black man, who is permitted to reside on the estate."

Joanna Williams, a slave on the same plantation with Eleanor James, states, that " she went with Eleanor James to North Hall and heard M'Donald order Eleanor James to be flogged ; she (Joanna Williams) instantly concealed herself among the bushes, and thus escaped notice. Saw Mrs. M'Donald, her sister, and a young man, whose name she thinks is M'Leay ; heard Mrs. M'Donald's sister intercede. The flogging took place so near the house that those in it must have heard the screams. She kept a tally of the stripes, and counted 200, that is, she counted ten for each finger on both hands, and went over both hands twice. She saw the salt pickle applied to the wounds. The lash of the whip was dipped in water."

The same person, Joanna Williams, states, in a deposition made on the 3d April 1830, that " he, Mr. M'Donald, observing that Butler did not flog her to his satisfaction, he called a brown man, named Edward, who then flogged her. As Eleanor James was getting the flogging, she asked for water, when he, Mr. M'Donald, told her, the devil a bit of water he would give her, he did not care if she died on the spot, he did not care about her master, for if he was put in the jail-house he would have to maintain him, as he, her master, (meaning Mr. Wildman) had plenty of money. After the flogging had ceased, he ordered her to be washed with a salt mixture, which being done, ordered them to take her and throw her away at the negro houses."

The circumstances thus deposed to are stated to have taken place on the 28th November 1829. It is stated by Mr. Taylor, Mr. Wildman's attorney, that at this time a severe sickness was prevalent amongst the white persons on Low Ground estate ; that the overseer was alarmingly ill, and he himself incapacitated by fever from pressing for an investigation into the case. The book-keeper, however, Mr. John Bellew, was ordered to take Eleanor James, together with Joanna Williams, as a witness, to Mr. John M'Leod, a magistrate in the neighbourhood, for the purpose of asking his advice, and of obtaining a warrant against the negroes of North Hall Plantation, who had been the instruments of the cruel treatment inflicted upon Eleanor James. Mr. M'Leod declined issuing the warrant, and recommended Mr. Bellew to take Eleanor James to Mr. Townsend's, the clerk of the peace for the parish of Clarendon, who resided at a distance of 30 miles from Low Ground estate. Mr. Bellew followed this advice, but on arriving at Mr. Townsend's, found that he was confined to bed in consequence of a serious accident.

No further steps seem to have been taken until the 12th of January 1830, when Mr. Taylor, having so far recovered from the effects of his fever as to enable him to travel, went to Low Ground estate, examined Eleanor James and the other persons who were cognizant of the circumstances, and took notes of the facts which they were prepared to substantiate, in order that the case might be submitted for the opinion of the proprietor's legal adviser. By his advice, Mr. Taylor applied to Mr. French the Custos of the parish, to summon a Council of Protection, which assembled accordingly on the 3d or 4th of February ; but it appeared that there had been some informality in the formation of this Council of Protection, and though witnesses were examined by it, it did nothing. Another Council of Protection therefore was summoned for the 18th of February, but as a sufficient number of members did

did not obey the summons, no Council of Protection could be formed on that day. A third summons was issued for a Council of Protection to be held on the 10th of March, but this was ineffectual, for the same reason. At length a Council of Protection was formed on the 19th of April, and the resolution which it came to was as follows: "That the subject matter of this complaint is not properly cognizable by the Council of Protection, but that the owner of the slave, Eleanor James, has his remedy against the person or persons inflicting such punishment: if a slave or slaves, by indictment in the Slave Court; and if by a free person or persons, by indictment in the Quarter Sessions or Grand Court. And that a copy of this resolution be sent to William Taylor, Esq., the attorney of James Beckford Wildman, Esq., the owner of the said slave."

After this resolution had been taken by the Council of Protection, the measures which were resorted to are stated by Mr. Taylor in the following terms: "As soon as I was aware of this determination, I resolved to try the effect of an indictment in the Grand Court, by means of the evidence of the only accessible legal witness, Miss M'Donald; but on inquiry I was told that she was about to leave the island, and before I could possibly adopt measures to detain her, or to take her deposition, she had sailed for Great Britain. I then determined to prosecute the slaves, the actual perpetrators, with the view of eliciting matter during their trial to ground a prosecution in the higher court against their master. I wrote to the Clerk of the Peace, and got his reply that the needful steps should be taken. On the day fixed for their trial, M'Donald stated, that of the two slaves named in the indictment, one did not belong to him, and the other had run away. Nothing was of course done. As a last means of procuring redress, I addressed a letter to the Governor, and transmitted to him the affidavits and other documents in proof of my statement. In reply to this, I received from His Excellency's Secretary, the report and opinion of the Attorney-General on the case, in which the conduct of the magistracy generally, and that of Mr. M'Leod particularly, was strongly condemned. I know not what private notice His Excellency may have taken of their conduct, but as yet I have seen no expression of his disapprobation in the Gazette; they are still in the magistracy. The Attorney-General then endeavoured to indict M'Donald by means of the evidence of the person named M'Kae, alluded to by the witnesses; but he failed: for when that person was brought to the Crown-office and sworn, he professed utter ignorance of the material points, although he acknowledged having been in M'Donald's house on the night referred to. Thus every effort was abortive, and thus has it been proved that an attorney for an absentee proprietor may for months persevere in his attempt to obtain redress for an act of oppression committed on a slave under his charge, but unavailingly. The strong impression made upon my mind by the conduct of the Clarendon magistracy, coupled with similar proceedings in other parochial authorities, is, that Councils of Protection are a mockery, and that so long as slave evidence is rejected by law, the slave has scarcely the shadow of protection from ill-treatment."

The opinion of the Attorney-General, which is referred to by Mr. Taylor, so far as it relates to the conduct of the magistrates and vestrymen who formed the Council of Protection, and to the conduct of Mr. M'Leod the magistrate, to whom application had been made in the first instance, is thus stated: "I have perused the affidavits relative to the complaint of Eleanor James, belonging to Low Ground estate, as well as the resolution of the Council of Protection which met on the 19th April, and I must express my inability to comprehend the principle upon which such a resolution was framed. Although the owner has a right of appeal to either of the tribunals pointed out in that resolution for redress, in respect of the injury inflicted on his slave, yet that right ought not to have suspended the functions of the Council of Protection, whose bounden duty it was to have investigated the matter of complaint, and if there were reasonable grounds for the prosecution, to have submitted the same for final adjudication to the session court of colonial jurisprudence in the colony. If the right of appeal on the part of the owner to other tribunals for compensation withdrew the subject-matter of complaint from the cognizance of a Council of Protection, no case can possibly exist in which its power of investigation might not be arrested, and be rendered a mere nominal institution, without the slightest benefit resulting to that class of our society to whom it is specially intended by the Legislature of the Island that it should be, as its name purports, a Council of Protection. Under the circumstances attending the case, I am not aware that it is in the power of his

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Excellency the Governor to promote the object of Mr. Taylor's address to his Lordship, further than by conveying his Excellency's disapprobation to the magistrates of their culpable neglect in adopting the necessary measures for bringing to trial a party implicated in conduct so inhuman and barbarous. Mr. M'Leod appears more amenable to this censure for referring the slave, who must have appeared to him unfit for such exertion, to the Clerk of the Peace, a distance of 30 miles, instead of acting promptly on the complaint, and summoning before him, as a magistrate, the witnesses who were on the spot, and binding them over on recognizance for the ensuing court."

Having thus called your Lordship's attention to the various circumstances of this case, I am now to desire that your Lordship will inform me whether, in conformity with the advice of the Attorney-General, you conveyed the expression of your displeasure at their conduct to Mr. M'Leod, or to Messrs. French, Dunn, M'William, Mac Naught, Turner, M'Cartney, Fearon, and Coleman, the magistrates who were present at the Council of Protection on the 19th of April 1830, and to the six vestrymen who were also present, or to such of those magistrates and vestrymen as concurred in the resolution which was passed by that Council of Protection. If your Lordship adopted the advice of the Attorney-General, I am to request that you will transmit to me, for His Majesty's information, a copy of the communication which you made to the magistrates. If, on the other hand, you did not adopt his advice, you will be pleased to report to me your reasons for rejecting it.

Until I shall have received your Lordship's report, and any explanations which the magistrates may have afforded, or which they may wish to afford of their proceedings, it would be premature to form a conclusive judgment upon the question, so far as they are concerned. I will abstain, therefore, from offering any further observations upon this case in particular; but I cannot close my present despatch without impressing upon your Lordship, that when circumstances occur in your government which at all events seriously bring into dispute the conduct of magistrates and the efficiency of the institutions by which justice is administered, it is absolutely necessary that your Lordship should forthwith communicate such occurrences to the Secretary of State, giving him at the same time the advantage of knowing the opinion which your local knowledge and experience may have led you to form upon them; and in the case of any evils having been shown to exist, reporting any practical measures which you may have adopted, or may have to recommend, for curing them. The conduct of the local magistracy is under your Lordship's peculiar superintendence, and there is nothing which can do more honour to your administration than the introduction into that body of efficient, humane, and well-disposed persons; and the expulsion from it, subject to His Majesty's approbation, of any of its members who shall be found to have committed gross neglect in a case in which a sense of justice and the ordinary feelings of humanity would have suggested a prompt and active exercise of their duties.

It only remains for me to observe, with reference to the present case, that a stronger illustration can scarcely be supposed of the inefficacy of the law in force in Jamaica for the protection of slaves by the instrumentality of a numerous and irresponsible council. In that view it will be convenient to bring the subject under the notice of the Colonial Legislature; and to impress upon them the urgent necessity of adopting those measures which have so often, and hitherto with so little effect, been recommended to their notice, for enabling the Crown to appoint a single officer in whose hands this authority might be deposited, and who would be answerable for the faithful and prompt discharge of its duties.

I have the honour to be, &c. &c. &c.

(signed)

GODERICH.

The Earl of Belmore, &c. &c. &c.

Enclosure 1, in No. 2.

My Lord,

Chilham Castle, Canterbury, 27th Dec. 1830.

I BEG leave to call your Lordship's attention to the papers I have the honour of transmitting to you with this letter; they contain the statement of an act of most atrocious barbarity committed on one of my slaves by a neighbouring planter. Every attempt has been made in Jamaica to obtain redress through the courts for the protection of slaves, the criminal courts, His Majesty's Attorney-General, and His

His Excellency the Governor, but in vain ; I am therefore compelled to submit the case to your Lordship, requesting that justice from the Secretary of State for the Colonies in England which has been refused me by the authorities of the island of Jamaica, where the offence was committed.

JAMAICA.

I have the honour to be,

Your Lordship's obedient humble servant,

The Right Hon. Viscount Goderich,
&c. &c. &c.

(signed) *James B. Wildman.*

IT was I think about the 1st of December 1829 that I received an intimation from Mr. David M'Pherson, schoolmaster, on Low Ground, that an elderly female slave attached to that estate had received most barbarous treatment from Mr. M'Donald, the proprietor of a neighbouring estate called North Hall. He stated that she had been severely flogged, and afterwards washed with brine. I was then suffering from fever, and was consequently unable personally to take proper steps in the matter. The overseer resident on the estate was at the same time alarmingly ill, and immediately afterwards severe and protracted sickness prevailed amongst the other white servants on the estate, so that those employed by the proprietor were incapacitated to press an investigation. When I was sufficiently recovered to travel, I went to the estate : it was about the 12th January following : and having sent for the woman and the witnesses, I took a minute of what they would depose to. This I brought to Kingston, and submitted to the proprietor's legal adviser ; he carried it to the Clerk of the Crown, who advised that a Council of Protection should be applied for ; I accordingly wrote to Mr. French, the Custos of the parish, and transmitted to him a copy of the minute I made on the estate. He ordered a Council of Protection, which assembled on the 3d or 4th of February, but, in consequence of some informality, nothing material was done. Another council was ordered to meet on the 18th of February, which I attended, but no council was formed, as there was not a sufficiency of members. The same circumstances prevented the formation of another council which was directed to assemble to investigate the matter on the 10th of March. A council at last met on the 19th of April, and the matter for investigation was proposed, but the council resolved that it was not a matter for their cognizance, but that the owner of Eleanor James, or his representative, had his redress in the Supreme Court or Slave Court. As soon as I was aware of this determination, I resolved to try the effect of an indictment in the Grand Court by means of the evidence of the only accessible legal witness, Miss M'Donald ; but on inquiry I was told that she was about to leave the Island, and before I could possibly adopt measures to detain her, or to take her deposition, she had sailed for Great Britain ; I then determined to prosecute the slaves, the actual perpetrators, with the view of eliciting matter during their trial to ground a prosecution in the higher court against their master. I wrote to the Clerk of the Peace, and got his reply that the needful steps should be taken. On the day fixed for their trial M'Donald stated, that of the two slaves mentioned in the indictment, one did not belong to him, and the other was run away. Nothing was of course done. As a last means of procuring redress I addressed a letter to the Governor, and transmitted to him the affidavits and other documents in proof of my statement. In reply to this I received from His Excellency's Secretary the report and opinion of the Attorney-General on the case, in which the conduct of the magistracy generally, and that of Mr. M'Leod particularly, was strongly condemned. I know not what private notice His Excellency may have taken of their conduct, but as yet I have seen no expression of his disapprobation in the Gazette. They are all still in the magistracy.

The Attorney-General then endeavoured to indict M'Donald by means of the evidence of the person named M'Kae, alluded to by the witnesses, but he failed ; for when that person was brought to the Crown-office and sworn, he professed utter ignorance of the material points, although he acknowledged having been in M'Donald's house on the night referred to. Thus every effort was abortive ; and thus has it been proved that an attorney for an absentee proprietor may for months persevere in his attempts to obtain redress for an act of oppression committed on a slave under his charge, but unavailingly. The strong impression made upon my

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mind by the conduct of the Clarendon magistracy, coupled with similar proceedings in other parochial authorities, is, that Councils of Protection are a mockery, and that so long as slave evidence is rejected by law, the slave has scarcely the shadow of a protection from ill-treatment.

Copies of the documents to support this statement are annexed.

(signed) *Wm. Taylor.*

Eleanor James, a negro woman belonging to James B. Wildman, and attached to Low Ground estate, in Clarendon, complains, that she was severely flogged on the night of the 28th of November last, by order of Mr. M'Donald, of North Hall. Her story is as follows :

Butler, a negro man belonging to M'Donald, bought a hog from her, for his master ; the payment having been delayed, she dunned the man, and he told her that his master would not pay unless she applied to himself. She accordingly went to North Hall in the evening of the 28th November, accompanied by another negro woman named Joanna Williams, also belonging to Low Ground, and applied to Mr. M'Donald for payment of the hog. He instantly ordered her to be taken a short distance from his dwelling-house, and there, he himself superintending, to be laid down and flogged ; she was flogged by two drivers in succession. The first used a whip, the second used switches. She was afterwards raised and washed with salt pickle. Mrs. M'Donald, the wife of M'Donald, and her sister, were in the dwelling-house, and heard the order given to flog her. The sister interceded. There was also a white young man present, who was walking in or near the piazza, when the order was given. The morning after M'Donald sent her two dollars, and ordered her to leave the property ; she did so, and went immediately to Low Ground, and showed herself to Francis Smith (a free black man who is permitted to reside on the estate).

Joanna Williams, who accompanied Eleanor James, has made the following statement : She went with Eleanor James to North Hall, and heard M'Donald order Eleanor James to be flogged ; she (Joanna Williams) instantly concealed herself among the bushes, and thus escaped notice. Saw Mrs. M'Donald, her sister, and a young man whose name she thinks is M'Leay ; heard Mrs. M'Donald's sister intercede. The flogging took place so near the house that those in it must have heard the screams ; she kept a tally of the stripes, and counted 200 ; that is, she counted ten for each finger on both hands, and went over both hands twice ; she saw the " salt pickle " applied to the wounds. The lash of the whip was dipped in water.

Francis Smith went with Eleanor James to North Hall, several days before that on which she was flogged, to ask for payment of the hog. On the 28th of November, (Saturday), she told him that she was again going to North Hall to demand payment. On the following day, about 10, A. M. he again saw her, when she was suffering severely from a flogging that apparently had been very recently inflicted. She was perfectly well when he saw her the day before.

John Bellew, book-keeper on Low Ground, saw Eleanor James on Saturday the 29th, about 1, P. M. He examined her person, and observed traces of a severe flogging. Directed by the overseer, he took her the following day to Oakes' Estate, and presented her to Mr. M'Leod, a magistrate ; Mr. M'Leod heard her story, but did not examine the marks occasioned by the flogging ; he directed that she should be taken to the Clerk of the Peace. She was taken there, and Joanna Williams also.

David M'Pherson, schoolmaster on Low Ground, saw Eleanor James when she returned from North Hall, she appeared to have been severely flogged.

Copy of a Letter addressed by Mr. M'Donald to the late Mr. Roberts, Overseer on Low Ground.

Sir,

North Hall, 4th Dec. 1829.

Mr. Cameron, a neighbour of yours, called on me last night, and intimated to me your having expressed your intention of entering a prosecution against some of my negroes for some harsh treatment towards a woman belonging to Low Ground. If you was aware of the circumstance, and with the feeling of any other person, you would have pursued a different course. I mentioned part of the circumstance to
Mr.

Mr. Cameron, as I suspected it was by your desire he came this length, and I also expressed my regret that any such should go so far without acquainting me before. I have only, in this event, to pursue such steps as will put a stop to a recurrence of the same kind again; as from the way in which I am situated, cannot with any kind of propriety put up with. I am far from wishing for any litigation, or to be a bad neighbour; and when you say that it being from a quarrel for pounding my stock has been the cause of such, you were never more deceived; from my experience in the country, I know that no negro could take upon themselves to pound stock.

Your answer will oblige, Sir, your obedient servant,

(signed) *K. M'Donald.*

The above was sent to Mr. Custos French, with my letter applying for a Council of Protection. The evidence of the most essential witness, Miss M'Donald, never was applied for, although she remained for months after my application within a few miles of Chapelton.

Wm. Taylor.

On Saturday afternoon, the 28th of November 1829, I went over to North Hall plantation, accompanied by Joanna Williams, a fellow-servant of mine, to a negro man named Butler, belonging to the said North Hall plantation, who had previously purchased a hog from me for seven macaronies (11 s. 8 d.); on my arriving there I did not see him, but waited until I did, when he said to me, that he was glad to see me, and that I must go with him to his master; I accordingly went with him to his master. His master, Mr. M'Donald, asked who stood there, (it being then dark), the man Butler answered, that it was him, Butler, and that the old woman had come for the money for the hog; on which Mr. M'Donald went into his hall, but came back soon after, and asked me, old woman, what is your name? I told him my name was Eleanor James. He then asked me my Busha's (overseer's) name, I told him Mr. Roberts; he then turned away again, but came back soon after, and told his man Butler to collar me, and put me into the bilboes. I then told him I would not go into the bilboes. He called two other negro men, and ordered them to cut two bundles of switches and bring them to him with the whip. On their bringing the two bundles of switches and the whip, he told them to whet the whip in a tub of water, which was done. I was then stretched out by three negro men and one negro woman, when he, Mr. M'Donald, told his man Butler to flog me, and if he, Butler, did not flog me well, he, his master, (Mr. M'Donald) would flog him, Butler. When I was receiving the flogging, I bawled much; he, Mr. M'Donald, told me he did not care if I died upon the spot, for my master was a great man, if he put him, (Mr. M'Donald) in gaol, he must maintain him. Butler not flogging me to his, Mr. Donald's (his master's) wishes, he then called a brown man, (but whose name I did not know) to flog me. After he had done flogging me, he ordered them to wash me with a salt mixture, which was done. I could not then speak, in consequence of my having bawled so much, and in consequence of a great hoarseness in my throat. He, Mr. M'Donald, then ordered me to be thrown away at the negro houses.

On the Sunday morning previous to my leaving North Hall, he, Mr. M'Donald, sent the man Butler to pay me, who gave me two dollars. After getting home to Low Ground, I sent him the macaronie change; when I got to my house on Low Ground, I found Frank Smith waiting at my house, having been to look for me. I showed him the flogging that I had got at North Hall by order of Mr. M'Donald; I then went to Mr. M'Pherson's apartments, and told him what had been done to me at North Hall; Mr. Bellew, the book-keeper, was with him, to whom I showed the flogging. Mr. Roberts, the overseer, soon after sent Mr. Bellew to call me into his room, when I also showed him, Mr. Roberts, the flogging.

On Monday morning following, the 30th of November 1829, I went over with my fellow-servant, Joanna Williams, and Mr. Bellew, the book-keeper, to Oakes' Plantation, to Mr. M'Leod; on my going to take up my clothes to show him, Mr. M'Leod, the flogging, he told me I must not take up my clothes. That same afternoon I left Low Ground, with Joanna Williams, to go to Mr. Townshend's, where I got the next day (Tuesday) at shell blow.* I went up three times to the Court House

*Half-past twelve.

JAMAICA.

House at Chapelton, the first time I was examined, but neither of the other two times.

The above is a just and true statement to the best of my recollection and belief.
So help me God.

her
Eleanor + James.
mark.

Sworn before me, in the parish of Clarendon,
this 3d day of April 1830,

Witness,
(signed) *D. M'Pherson.*

(signed) *John Mac Naught.*

On Saturday afternoon, the 28th day of November 1829, Eleanor James, a fellow-servant of mine, asked me to go with her to North Hall, to get paid for a hog which she had sold to a negro man, named Butler, which I did. On our getting to North Hall, we did not see Butler, but waited until we did. When he, Butler, saw Eleanor James, he said he was glad to see her, and she must go with him to his master. I did not go with them, but stopt at the carpenter's shop, which is not far from the master's house. I heard when Mr. M'Donald asked his man Butler, who stood there? who answered it was him, Butler, and that the old woman had come for the money for the hog. He, Mr. M'Donald, then ordered Eleanor James to be collared and put into the bilboes. Eleanor James then said she would not go into the bilboes, for what had she done to go into the bilboes. He, Mr. M'Donald, then said if she would not go, he would flog her. He then sent for two bundles of switches, and a whip, which whip he ordered to be put into water; when that was done, he ordered three negro men and one negro woman, whose names are as follows: viz. John Morton, Liverpool, George and Catherine, to hold her down, and Butler to flog her. At this time I got out of the carpenter's shop, and hid myself behind a pear tree not far from the place where the woman Eleanor James was laid down. He, Mr. M'Donald, observing that Butler did not flog her to his satisfaction, he called a brown man, named Edward, who then flogged her. As Eleanor James was getting the flogging, she asked for water, when he, Mr. M'Donald, told her the devil a bit of water he would give her; he did not care if she died on the spot; he did not care about her master, for if he was put in the gaol-house he would have to maintain him, as he, her master, (meaning Mr. Wildman) had plenty of money. After the flogging had ceased, he ordered her to be washed with a salt mixture, which being done, ordered them to take her and throw her away at the negro houses.

On Sunday morning, early, (the following day) Butler came before we left North Hall, and gave Eleanor James a two-dollar piece, and told her she was to send him a macaronie change. On Monday morning I went over with Eleanor James and Mr. Bellew, the book-keeper, to Oakes' Plantation, to Mr. M'Leod, who did not examine her, but recommended her to be taken to Mr. Townshend's. On that same afternoon, Eleanor James and myself left Low Ground to go to Mr. Townshend's; but in consequence of Eleanor James being unable to walk fast, from the pain she seemed to be in, we did not get at Mr. Townshend's until the next day, (Tuesday) about shell blow. I attended three times at the Court-house, Chapelton; the first time I take swear, but neither of the other two times.

The above is a just and true statement to the best of my recollection and belief.
So help me God.

her
Joanna + Williams.
mark.

Sworn before me, in the parish of Clarendon,
this 3d day of April 1830.

Witness,
(signed) *D. M'Pherson.*

(signed) *John Mac Naught.*

On Sunday, the 29th day of November 1829, a negro woman belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James, came into the apartments of Mr. David M'Pherson, on the said estate, whereof I am book-keeper, whilst with him, complaining of having been flogged the preceding night, (Saturday)
at

at North Hall plantation, in said parish of Clarendon, by a negro or negroes belonging to the said North Hall plantation, by order of the owner thereof, Mr. Kenneth M'Donald. On my receiving this information, I requested of the said Eleanor James to show me where she had been flogged, and on her doing so, observed marks of a severe flogging. I then made my overseer, Mr. Roberts (who is since dead) then lying ill in bed, acquainted with what I had seen, who then ordered me to send the said negro woman, Eleanor James, into his room, which was accordingly done. On the following morning, Monday, the 30th November 1829, I was directed by my said overseer to go over to Oakes' Plantation, an adjoining estate, where John M Leod, Esq. a magistrate, then was, with the said negro woman, Eleanor James, an' another negro woman belonging to the said Low Ground estate, named Joanna Williams, who it appears was present when the outrage was committed, for the purpose of asking his advice what should be done, and his granting a warrant against the said negro or negroes belonging to the said North Hall plantation, who had inflicted the said punishment on the said Eleanor James; who declined doing so, but recommended me to take the said Eleanor James, with her witness, the said Joanna Williams, to Mr. Townshend's, the Clerk of the Peace for the said parish of Clarendon. I accordingly started in the afternoon of the said day, (Monday), having sent the two negro women beforementioned on before me. During the journey to Mr. Townshend's residence, which is at Main Savanna, a distance of about 30 miles from the said Low Ground estate, she, the said Eleanor James, appeared to walk with much pain. On my arriving the following day (Tuesday) at Mr. Townshend's, I learnt that he had met with a serious accident, having dislocated his collar bone, and was then confined to bed in consequence of the same. I however obtained an interview with him, who, on learning the particulars from me, said he was not able to do any thing then, but would as soon as he could, and recommended my leaving the said negro women, Eleanor James and Joanna Williams, at his residence, for the purpose of taking their depositions. Some few days afterwards I received a note from Mr. A. Haddon, apparently written by Mr. Townshend's directions, the copy of which is as follows:

Sir,

Main Savanna, 3d December 1829.

I beg leave to inform you, that Mr. Townshend is so very poorly that he will be unable to attend to the business before the end of the next week.

I am, Sir, your obedient servant (for G. H. Townshend),

To Mr. Bellew.

(signed) *A. Haddon.*

I heard nothing more of this business until a notice was served by order of his honour the Custos, ordering a court of Council of Protection to be held at the Court-house, Chapelton, in the said parish of Clarendon, on the 3d or 4th February 1830: I attended, accompanied by Mr. M'Pherson, and was examined at the said meeting, the members of which court are as follow: A. Dunn, J. Poole, Mr. Rose, R. Innes, and E. M'Pherson, esquires, who also examined the before-mentioned Eleanor James and Joanna Williams; but there being some error or other as to the forming of the said court, nothing was further done on that day. A second notice was served by order of his honour the Custos, ordering another court or Council of Protection, which was to have been held on the 18th day of February 1830, at the said Court-house, in the said parish of Clarendon, at Chapelton; but nothing was done, in consequence of the non-attendance of a sufficient number of members to form the court; at which I also attended, accompanied by William Taylor, esq. the attorney of the said Low Ground estate. A third notice was served by order of his honour the Custos, ordering another court or Council of Protection, which was to have been held on the 10th day of March 1830, at the said Court-house, Chapelton, in the parish of Clarendon; at which I also attended, accompanied by Mr. M'Pherson; but nothing was done, in consequence of the non-attendance of a sufficiency of members, as before mentioned.

The above statement is just and true, to the best of my recollection, knowledge, and belief.

So help me God.

(signed) *Jno. Bellew.*

Sworn before me, in the parish of Clarendon,
this 3d day of April 1830.

(signed) *John Mac Naught.*

JAMAICA.

On Sunday, the 29th day of November 1829, a negro woman, belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James, came into my apartments on the said estate, complaining of having been flogged the preceding night (Saturday) at North Hall plantation, also in the said parish of Clarendon, by order of the proprietor, Mr. M'Donald ; there being at the same time in my said apartments Mr. John Bellew, book-keeper on the before-mentioned Low Ground estate. Not wishing to view the body of the said Eleanor James, I turned away with the intention of avoiding seeing the same ; but on my turning about (thinking that the examination on the part of the said John Bellew had ended) I observed marks of flagellation on the body of the before-mentioned negro woman Eleanor James, but to what extent unknown to me, my not having made a minute inspection, my view of the same being only cursory. On the 3d or 4th day of February 1830 I attended at the Court-house, Chapelton, in the said parish of Clarendon, agreeably to a notice which had been served by order of his honour the Custos ; but was not called upon by the members comprising the court. I again attended, on the 10th day of March 1830, at the said Court-house, Chapelton, in the said parish ; but nothing was done, in consequence of the non-attendance of the members of the court.

The above is a just and true statement, to the best of my knowledge and belief.
So help me God.

(signed) *David M'Pherson.*

Sworn before me, in the parish of Clarendon,
this 3d day of April 1830.

(signed) *John Mac Naught.*

On Sunday morning, the 29th day of November 1829, I went to the house of a negro woman belonging to Low Ground estate, in the parish of Clarendon, named Eleanor James (on which estate I also reside), who informed me that she had been flogged the preceding night (Saturday) at North Hall plantation, in the said parish of Clarendon, by a negro man slave named Butler, and others, by order of their master, Mr. M'Donald. On my being told this by the before-mentioned negro woman Eleanor James, I did not believe her ; on which she lifted up her clothes for my inspection, and showed me the marks of the flogging that she had received ; from the then appearance of which I do not hesitate to say, that it was a very severe flogging that had been inflicted on the body of said negro woman Eleanor James, my having been in former days in the habit of seeing punishment inflicted on negroes : she had also marks of blood on her clothes.

The above is a just and true statement, to the best of my recollection and belief.
So help me God.

Witness,
(signed) *D. M'Pherson.*

his
Francis X Smith.
mark.

Sworn before me, in the parish of Clarendon,
this 3d day of April 1830.

(signed) *John Mac Naught.*

Jamaica ss. Middlesex.

Colin M'Leay, of the parish of Clarendon, planter, being duly sworn, maketh oath and saith, that he, this deponent, was at North Hall, in the said parish of Clarendon, adjoining Low Ground estate, for change of air, in the latter end of last year ; saw a woman coming there to ask Kenneth M'Donald for payment of a pig. Kenneth M'Donald told the negress to go for his headman, as it was he who bought the pig, and she went away ; but deponent does not remember her coming back : was standing in the porch when the woman came up, and M'Donald was close to him. Saw M'Donald last week after being subpoenaed, and told him, he, the witness, was coming to town to give evidence against him. Mrs. M'Donald (now dead) and Miss M'Donald were at North Hall when the woman came for her money. Did not hear M'Donald give any order that the negress should be

be flogged ; did not hear him send for his driver, nor did he hear him call for his people to bring him some switches : does not recollect any cries of punishment that day.

JAMAICA.

(signed)

Colin M'Leay.

Sworn before me, this 12th day of October 1830.

(signed)

Hugo James.

In a matter before a Council of Protection, convened the 19th day of April in the year of our Lord 1830, at the Court-house at Chapelton, in Clarendon, for inquiring into certain wanton and cruel punishments and injury said to be inflicted on a female negro slave named Eleanor James, the property of James Beckford Wildman, esquire ; present,

The Hon. William Power French, Andrew Dunn, Alexander M'William, John Mac Naught, James W. Turner, William M'Cartney, The Rev. Mr. Fearon, and William Coleman, Esqrs. Magistrates :

William Rose, Evan M'Pherson, Andrew Drummond, Peter Hodge, Adam W. Thorburn, and William Mitchell, Esqrs. Vestrymen.

Resolved, That the subject-matter of this complaint is not properly cognizable by the Council of Protection, but that the owner of the slave Eleanor James has his remedy against the person or persons inflicting such punishment : if a slave or slaves, by indictment in the Slave Court, and if by a free person or persons, by indictment in the Quarter Sessions or Grand Court ; and that a copy of this Resolution be sent to William Taylor, esq. the attorney of James Beckford Wildman, esq. the owner of the said slave.

(True copy.)

(signed)

G. H. Townshend, Clerk of the Peace.

Sir,

St. Andrew's, 6th September 1830.

I transmit herewith Affidavits, copy of a Communication to the Custos of Clarendon, and a copy of a Resolution of the Clarendon Vestry, explanatory of an outrage committed on a female slave belonging to Mr. J. B. Wildman, and attached to Low Ground estate, in Clarendon.

As the attorney of the absent owner, I beg to submit these documents for the information of his Excellency the Governor, as I conceive that I have not received from the local authorities of Clarendon that assistance in endeavouring to obtain proof against the alleged author of the cruelty that I was led to expect. I applied to the Custos for a Council of Protection, in compliance with the advice of the Clerk of the Crown, whom I had requested to proceed by indictment, but who desired that a preliminary investigation might be made by the parochial magistracy. Had the magistrates of Clarendon therefore told me in February last, when I first applied to them, that they would not take cognizance of the matter, I should have returned to the Clerk of the Crown, and by means of the only legal witness to whom I could get access, and who was then in the island, have indicted the suspected person. Miss M'Donald is that material witness ; but she sailed from the island, as I am informed, immediately after the 19th April, the day on which the Council at last assembled, and before I could adopt the necessary steps to obtain her evidence. I am consequently debarred from the means of redress. Subsequently, in order if possible to elicit matter to ground a prosecution in the higher Court, the slaves who were concerned in the outrage were indicted in the parochial Court ; but on the day fixed for trial they were not forthcoming. Having thus applied to every customary source for redress, but unavailingly, I respectfully request the attention of his Excellency to the case.

I have the honour to be, Sir, your most obedient servant,

(signed)

Wm. Taylor.

William Bullock, Esq.

JAMAICA.

My dear Sir,

I have perused the affidavits relative to the complaint of Eleanor James, belonging to Low Ground estate, as well as the resolution of the Council of Protection which met on the 19th April, and I must express my inability to comprehend the principle upon which such a resolution was framed. Although the owner has a right of appeal to either of the tribunals pointed out in that resolution for redress, in respect of the injury inflicted on his slave, yet that right ought not to have suspended the functions of the Council of Protection, whose bounden duty it was to have investigated the matter of complaint, and if there were reasonable grounds for the prosecution, to have submitted the same for final adjudication to the session court of colonial jurisprudence in the colony. If the right of appeal on the part of the owner to other tribunals for compensation withdrew the subject-matter of complaint from the cognizance of a Council of Protection, no case can possibly exist in which its power of investigation might not be arrested, and be rendered a mere nominal institution, without the slightest benefit resulting to that class of our society to whom it is specially intended by the Legislature of the island that it should be, as its name purports, a Council of Protection.

I regret that the attorney of Mr. Wildman was induced to resort to the parochial authorities, instead of pursuing his remedy in the Grand Court, as in that case, the only evidence which is admissible in our courts, that of Miss M'Donald, would not in all probability have been lost; at present, I apprehend there will be no testimony to warrant me in sending in a bill to the grand jury at the ensuing Grand Court; for although the proofs be abundant that a severe flogging has been inflicted, yet Mr. M'Donald is implicated by the declaration of the two slaves only, as there were no other free persons present, with the exception of Mrs. and Miss M'Donald, and the person whose name is supposed to be M'Leay. Mrs. M'Donald is not a competent witness against her husband, the sister is off the island, and we may not be able to trace out the other persons. If proceedings were instituted in the Slave Court against the slaves whose names are mentioned by Joanna Williams, evidence might be elicited to fix the offence on Mr. M'Donald, though at the same time it is not probable, that he who would order so barbarous a punishment to be inflicted on an unoffending slave as a measure of retaliation on the overseer for pounding his stock, as may be inferred from his letter, would have the candour to assume the responsibility, in order to avert punishment from his own slaves, who acted under his directions, at this period of time; and under the circumstances attending this case, I am not aware that it is in the power of His Excellency the Governor, to promote the object of Mr. Taylor's address to his Lordship, further than by conveying His Excellency's disapprobation to the magistrates of their culpable neglect in adopting the necessary measures for bringing to trial a party implicated in conduct so inhuman and barbarous.

Mr. M'Leod appears more amenable to this censure for referring the slave, who must have appeared to him unfit for such exertion, to the Clerk of the Peace, a distance of 30 miles, instead of acting promptly on the complaint, and summoning before him, as a magistrate, the witnesses who were on the spot, and binding them over in recognizances for the ensuing court. At the same time I must beg of you to apprise His Excellency, that I will endeavour to ascertain, through Mr. Taylor, if there be such a person as M'Leay in the island, through whose testimony I may be enabled to proceed against M'Donald.

Your's very truly,

18th September 1830.

(signed)

Hugo James.

W. G. Nunes, Esq.

ST. CHRISTOPHER.

— No. 3. —

COPY of a DESPATCH from Governor *Marxwell* to Secretary Sir *George Murray*, dated 7th July 1830 ; with 20 Enclosures.

ST.
CHRISTOPHER.

Sir,

St. Christopher, 7th July 1830.

I HAVE the honour to submit for your consideration a series of correspondence between myself, the President of Nevis, and the Law Officers of the Crown, relative to the mal-treatment of the slaves belonging to Stapleton's Estate, the property of Lord Combermere, situated in that island.

The details of the obdurate conduct of Mr. Walley, the inhuman perpetrator of the several atrocious acts of cruelty that have been particularized, are quite revolting, and it is much to be deplored that he has hitherto escaped the punishment his vile conduct so justly deserves.

The failure of the prosecution in the several indictments preferred against Mr. Walley has arisen from the bills having been ignored by the grand jury in the charges for the murder of Davis and Bolam, and the mal-treatment of Frances, the defect of evidence in the trial for the manslaughter of Innes, and his acquittal for the manslaughter of Bolam.

I take leave to refer you to the accompanying letters and documents, detailing the full particulars of these cases. I would beg to call your attention to the letter of Mr. Chief Justice Webbe, and to the very laudable anxiety expressed by Mr. President Maynard's assurance, that the Legislature of Nevis is willing to incur any expense in the due and full prosecution of these instances of mal-treatment of slaves ; and I cannot omit to mention the indefatigable exertion of Mr. King's Counsel Peterson in the discharge of the arduous duties which he has fulfilled throughout the prosecutions, in which he has been so ably supported by the Attorney and Solicitor General.

I greatly regret the juries of the island have not taken a more just view of the matter submitted for their decision on this occasion.

I have, &c.

(signed)

Chas. Wm. Marxwell.

To the Right Hon. Sir G. Murray, G. C. B.
&c. &c. &c.

Enclosure 1, in N° 3.

Sir,

Privy Council Chamber, 9th Jan. 1830.

IN consequence of a most serious occurrence having taken place in this island on Lord Combermere's estate, called Stapleton's, the President has thought it advisable to call together the Privy Council, that an ample and strict investigation may immediately take place on the conduct of Mr. Walley, the manager, and Mr. Swindell, the attorney, (both Englishmen), that they may be prosecuted to the utmost rigour of the law.

The President and Council beg leave further to state to your Excellency, that from Mr. Swindell, the attorney, residing in another island, these events, so much to be deplored, have perhaps lain dormant a longer time than might have been the case, as no complaint had ever been made by the negroes to the magistracy. In the mean time the President has directed that Mr. Walley be held to bail to appear at the

C 2

first

ST.
CHRISTOPHER.

first court of criminal jurisdiction, there to take his trial, should the Crown officers find ground for prosecution.

Any further information that may be obtained on this subject shall be forwarded to your Excellency.

We have the honour, &c.

(signed) *Walter Maynard*, President.

James Daniel.

Josiah Webbe Maynard.

F. Nicholson.

James Maynard.

William Laurence.

J. W. Daniell.

J. H. Pemberton.

To His Excellency the Governor,
&c. &c. &c.

Enclosure 2, in No. 3.

Sir,

St. Christopher, 12 January 1830.

I HAVE had the honour to receive the letter from the Honourable Board of Council, communicating that a most serious occurrence has taken place on Lord Combermere's estate called Stapleton's, and I beg to assure the members of the Board that I feel confident they will cause an immediate and strict investigation on the conduct of Mr. Walley on this occasion.

I have, &c.

To His Honour the President,
&c. &c. &c. Nevis.

(signed) *Chas. Wm. Maxwell.*

Enclosure 3, in No. 3.

Sir,

Nevis, March 9th, 1830.

I HAVE the honour to enclose the evidence I received from the magistrates concerning the investigation of Mr. Walley's conduct on Stapleton's estate, and await your Excellency's further directions how to proceed.

I have, &c.

To His Excellency Governor Maxwell,
&c. &c.

(signed) *Walter Maynard.*

Enclosure 4, in No. 3.

Sir,

March 4th, 1830.

IN conformity with the instructions received from your Honour, my brother magistrates and myself repaired to Stapleton's estate, on the 11th January, to inquire into the treatment of the negroes by Mr. Walley, and having examined several persons on oath, deemed it necessary to direct a meeting of the said magistrates at the Court-house in Charlestown on the 13th of the aforesaid month, to investigate the matter in question, and have met by adjournment several times.

We are sorry for the delay that has occurred, but it was unavoidable, from various untoward circumstances that had taken place; viz. the voluminous evidence, the disagreement of the magistrates, and sickness of Mr. Justice Libard, the absence of Mr. Justice Gordon from the island, the paucity of our number owing to sickness, absence from the island, the withdrawing of three of the Bench from attendance,* and lastly the illness of Mr. Walley. I am happy in having it in my power at last to be able to forward a certified copy of the evidence received from Mr. Galpine, the clerk of the Justices. I also enclose a letter from Mr. Justice Bucke.

I have, &c.

To Mr. President Maynard,
&c. &c.

(signed) *W. Pemberton, J. P.*

* Mr. Justice Runey, Mr. Justice Huggins, and Mr. Justice Ede.

Enclosure 5, in No. 3.

ST.
CHRISTOPHER.

Dear Sir,

Hard Times, Monday, 24th Jan. 1830.

THE meeting of the magistrates on Tuesday was attended by me at the hour appointed, ten o'clock, but it was two before the Lowland Justices joined me, when we proceeded in examinations till five, and then adjourned to ten o'clock yesterday, of which I gave you notice.

I regret much that any thing should have prevented you from attending yesterday, as the business commenced with Mr. Ede making his complaint of Dr. Mills having on Thursday endeavoured to quarrel with him personally on the matter you witnessed, and finished with declaring that he would not sit again on the investigation, and should inform the Governor of the circumstance. He then withdrew.

Towards the close of the proceedings a question to a witness by Mr. Pinney caused such observations from Mr. J. W. Maynard, towards Mr. Pinney and Mr. P. T. Huggins, (some of them in no way relating to the business before us), that on breaking up, at four o'clock, they both declared they would not sit again.

The only remaining Justices present were Mr. Stowe and myself, and we agreed to adjourn *sine die*, and for me to give you, as chairman, this communication, in order that you may take such steps as will ensure a full attendance of magistrates. If any *can* withdraw from public duty capriciously, all have just as much right to do the same. Mr. Gordon has, I understand, been at St. Kitts for some days. Mr. Libard was in town yesterday, and, towards the end of the meeting, was present, but did not consider himself to be acting as a magistrate.

The clerk to the magistrates will await your communication, and appointment of a day of meeting, so as to send his summons to all parties.

I have, &c.

To the Hon. Wm. Pemberton, Esq.
Chairman of the Magistrates.

(signed) Geo. Bucke.

Enclosure 6, in No. 3.

AT a meeting of the Magistrates held at Stapleton's estate, pursuant to an order of the Privy Council, this 11th day of January 1830: present,

The Worshipful William Pemberton, esq. Chairman; George Bucke, Lockhart Gordon, Edward L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

John Hitch O'Bryan, manager upon the estate of Lady Frances Stapleton, sworn; says, he took possession on or about the 6th instant, and found 190 slaves on the estate, agreeably to the list given him: to the best of his knowledge there were about 32 negroes in the sick-house the day after he took possession, and thinks three of that number were admitted subsequent to his taking possession, and his examining the state of the sick-house.

Dr. Mills sworn; says, he undertook the attendance of the estate on the 25th March 1828. Mr. Walley informed him there were 221 negroes; but, upon his sending his account to the 31st December following, was paid for 220. There were several deaths during that year, but does not remember the number; many died from dirt-eating, which may be produced by many causes. Has occasionally seen the allowance served out, which appeared to be a large quantity, and good: some of the deaths that year were dirt-eaters, and a few of them children: the allowance of the gang he thinks was 10 pints weekly. Says, the sick were not attended to in the manner they ought to have been, nor as he directed; often complained of it: the sick were not allowed to remain until perfectly cured, and, contrary to his orders, repeatedly turned out before they were so. In a conversation which took place between deponent and Mr. Walley, he observed that deponent was not responsible for any of the negroes, and that he, Mr. Walley, was the only responsible person on the estate. In a particular instance in the sickness of a woman named Nelly, and a boy named Tynel, he ordered particularly for them animal food; and finding that his desire was not attended to, told the sick-nurse that they must be allowed what he ordered, and that she must herself procure it, and he would pay for it if Mr. Walley refused: after which deponent's wishes were carried into effect; but not having been called upon for payment, thinks Mr. Walley paid for it. Mr. Walley told deponent that he had given the sick nurse directions to provide such food for the sick as deponent may think necessary, and that he,

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Mr. Walley, would pay for it monthly, as he was in the habit of doing during the attendance of Dr. Handley: deponent spoke to sick-nurse on above subject, but from her manner was led to believe that this had not been done; and the sick-nurse said, "Massa may tell you so," but indicated it was not the case: but believes when wine or spirits were ordered they were given. Deponent says, that Dr. Swanston had mentioned that the plan adopted at St. Kitt's to prevent dirt-eating was, by applying a collar sufficiently broad to prevent the hand being conveyed to the mouth; that deponent recommended Mr. Walley to try the experiment upon a boy named William Noble, who he considered a lost case from dirt-eating, and who did die, but which he was not aware of for a fortnight after: it was about a fortnight previous to William Noble's death that he had directed this collar, and that he did not see him after, nor had he been applied to to see him. The collar directed by deponent was a light one, and upon Mr. Walley inquiring how it was to be fixed, deponent replied that he did not know, and that he must leave it to him and the carpenter. Deponent says, that in consequence of the negroes having been turned out of the sick-house improperly, they returned in a worse state. Remembers a man named Bolam with a bad ulcerated leg: Mr. Walley remarked that deponent would have to cut off the leg; but deponent said he thought he could cure it, and the ulcer was getting well fast, but Mr. Walley turned him out before it was well, and the consequence was he returned with his leg much worse; it was healing again a second time very fast, but was again turned out before he was well: returned a third time to the sick-house, with his constitution so shattered and dropsical that nothing could be done for him, and he died shortly after. Never recollects having a negro under his care in consequence of punishment, except in the case of a woman named Elsey, who complained of her shoulder, which had a tumour, and which she said arose from a blow given her by Mr. Walley by a stick, which deponent removed, but which may have arisen spontaneously, or in the manner represented. Deponent made the following entry in sick-book: "December 29th, 1829. Elsey; removed fatty tumour from the shoulder, the effect of a severe blow received about five weeks since." Mr. Walley, in consequence of said entry, on the same evening wrote to deponent, and requested him to come out to the estate on following day to see two negroes, and to investigate into the lies which had been promulgated to his detriment, as it was very hurtful to his feelings to have such things circulated, and that he should be unable to live on the estate. Deponent believes Mr. Walley denied having struck the woman in the note. Deponent wrote to Mr. Walley declining any investigation, as he did not conceive he had any power or authority to that effect; and recommended, if Mr. Walley wished the matter investigated, that he would call in two magistrates for that purpose. Deponent never saw any negroes punished by locking up in stocks; none were in sick-house, nor was he aware of any being on the estate.

(signed) *W. M. Mills.*

Dr. Mills again examined: says that he believes there were but two births only last year, but several miscarriages. Was called to a woman named Lujah, who from severe flogging was threatened with a miscarriage, which deponent used means to obviate, and desired she should be kept quiet; but in consequence of her not doing this she lost her child: in instances of this kind miscarriages most frequently follow, but deponent has succeeded in obviating it in England. Deponent thinks that there has been as many deaths of children as of adults, and the deaths generally proceeding from dirt-eating: there are six dirt-eaters now among the children, and four among the adults.

[Adjourned.]

At a meeting of the Magistrates, held at the Court-house in Charlestown, this 13th day of January 1830; present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Lockhart Gordon, Edward L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

Dr. Hanley sworn. On the 24th March 1828, I received a note from Mr. Walley, which stated that my attendance on the estate was no longer necessary; there were a larger proportion of negroes in the sick-house than on any other estate I attended. I commenced attending the estate during Mr. Mulhall's lifetime, in 1821, with Dr. Cairnes, Dr. Clifton, and Dr. Herdickson; in 1822 I went to

to England; in 1823 I attended with Dr. Cairnes, and in 1825 I attended alone; during part of that period, Mr. Mulhall, Mr. Fazakerley, and Mr. Fitzpatrick, managed the estate, and subsequently Mr. Walley. Generally speaking, it was a gang of which there were always a large number of negroes in the sick-house. In November or December 1826, there were an unusual number of sick in the sick-house; I found Mr. Swindall, the attorney, on the estate, and took him into the sick-house with me, and asked him to point out any negro that required medicine, and with a few exceptions there were none; I then told him I directed Mr. Walley to purchase sheep and wine, and give them animal food and wine; I believe my directions were attended to; when I have been there occasionally, I saw animal food dressing for the negroes at that period; I know that Mr. Walley had killed cattle and sheep. After I had given up the attendance of the estate, Mr. Walley sent to me for a certificate for having bought sheep; I believe Mr. Walley told me that Mr. Swindall had objected to settle with him. The decrease on Stapleton's estate has been very considerable the last year. The only complaint, with a few exceptions, has invariably been the Cacheara Africana, or Mal-de-Stomach; the cause I have endeavoured to ascertain, but without effect, unless it may be from the ground provisions not being properly dressed, and with a sufficiency of salt, which in my opinion will induce debility of the stomach, and consequently all the symptoms of dyspepsia, the most prevalent system of which is heartburn or cardialgia, which obliges their eating dirt as an absorbent. A short period before I had the attendance of the estate taken from me, I called on Mr. S. Maynard to try and ascertain the cause of the deaths on the estate; I spoke to Prentis on the subject; he informed me that Scipio had the evening before detected a girl eating burnt or soft stone, some of which was pounded, and given to me by him and the nurse; I carried it to Mr. Walley, and showed it to him; I expressed a wish to bring one or two medical men on the estate, free of expense, to try and find out the cause of the prevailing disease; his answer was, there was no occasion, as he was satisfied. The reason why the people who were in the sick-house (who did not require medicine) were there from general debility, and required nourishment. From the time I commenced attending on the estate there were generally a good many negroes in the sick-house from debility; at first I thought the debility might have been occasioned by Mr. Walley's great anxiety to put in a large crop, as this affection of the stomach is generally occasioned by hard labour, exposure to cold, or food badly dressed, or indigestible food. I have observed, before Mr. Walley came to the estate, many cases of debility, and generally, at the fall of the year, debility connected with the disease; there were not so many cases of mal-de-stomach during Mr. Fazakerley's time as since. As far as deponent's recollection goes, a great number of deaths during Mr. Fazakerley's time. During my attendance on the estate, if any particular food was required for the sick-house, I always inserted it in the sick-house book, or mentioned it to Mr. Walley, or the overseer, or the sick nurse. The negroes have sometimes complained that the corn, meal and potatoes they received they could not eat, but it was not a general complaint; I mentioned to the sick nurse that they must always have the food I ordered; that after I had spoken to Mr. Walley of the necessity of providing animal food, the patients did not improve, but they did not complain to me that they had not the animal food; but I saw wine in the doctor's shop attached to the sick-house, for the use of the sick-house; the nurse several times mentioned that they wanted animal food, and I said I would mention the subject to Mr. Walley; but in general if I go into any sick-house, were I to attend to the complaints, I should have nothing else to do; from my long experience with negroes in sick-houses I know they are in the habit of making groundless complaints; they have complained to me that they could not eat what I had recommended for them, but wanted animal food, which would have been injurious to them. I have often asked the nurse if the sick-house had the food recommended; sometimes she said yes, at other times it was getting ready. During Mr. Mulhall's and Mr. Fazakerley's time, I always considered them a very fine gang of negroes, though a great many deaths. When Mr. Walley came to the estate, I believe there were 247 or 249 negroes on it; when I left the attendance I believe there were 220, odd; the young gang, who more particularly came under my view, were a very fine set of young negroes. I can with confidence say, during my attendance on the estate, I do not recollect that any negro ever complained to me of having been severely punished, nor any complaint of want of food, or any complaint of harsh or harassing treatment by Mr. Walley. Whenever a negro has complained to me of being sick, and could not work, I ordered him to the sick-house, and told Mr. Walley of the circumstance,

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cumstance, and he went accordingly. Generally speaking, during Mr. Mulhall's and Mr. Fazakerley's time, the negroes appeared more healthy generally than of late years. In Mr. Fazakerley's time there were a great many deaths, but the number kept up either by birth or purchase, which has not been the case latterly. Generally I have observed, in the fall of the year, when there has been much rain, and a quantity of ground provisions, bowel complaints are more prevalent. I believe in Mr. Mulhall's time negroes were purchased. I cannot account for the numbers being kept up during Mr. Fazakerley's time, and not now. I am inclined to think that Mr. Walley turned out some negroes before they were perfectly cured, but do not remember it having caused their return.

(signed) *Alex. Fanley.*

Dr. Cairnes sworn. I attended Stapleton's estate in 1822 and 1823 ; Mr. Mulhall was the manager, and was succeeded by Mr. Fazakerley ; the gang during these years was very sickly : there were three prevalent complaints during this time, fever, dysentery, and influenza ; there were a great many chronic complaints and broken constitutions ; a great many infected with mal-de-stomach, which we call dirt-eaters ; there were many women obstructed, for among chronic complaints that is frequently the case ; a great many miscarriages ; the miscarriages on the estate were frequently occasioned by the misconduct of the slaves themselves ; there were more deaths during the two years I attended the estate than any other estate I attended ; they were a very sickly gang ; I think we lost four from influenza, to the best of my recollection, and several from dysentery ; during this period provisions were very scarce, and I have known the negroes six weeks without provisions, except what they themselves got from the ground ; the attendance of the sick-house was not good, but Mr. Mulhall sent his servants to assist the person in charge of it, and animal food and wine were always provided whenever I directed it. I think ground provisions cause dysentery, and more frequently relapses. I think constant feeding on ground provisions disorders the stomach, and induces dirt-eating and its consequent debility, for this reason there is more dirt-eating in the new colonies.

(signed) *R. Cairnes, M.D.*

[Adjourned to the 16th January.]

AT a meeting of the Magistrates, held in Charlestown, this 16th day of January 1830 ; present,

The Worshipful William Pemberton, Esq. Chairman ; George Bucke, Edward L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

Lujer, a slave belonging to Lady Stapleton's estate, sworn. I have been sick nurse more than two Christmas ; the negroes have not had for the last 14 months the nourishment and wine regularly, as ordered by the doctor, but has not missed often. I know about William Noble's collar ; William Noble was always a dirt-eater, and in the sick-house ; I was sick when the board collar was put on ; I heard Noble one evening cry ; I called him to me. I asked him what was the matter, he said his neck hurt him, and I took off the collar ; the collar did not fit very tight, my finger could go between ; I took off the collar at five o'clock, and he died about eight. The board was put round his neck by order of the doctor, to prevent his eating dirt ; never heard he had a blow or fell down ; the board was always taken off at night ; I do not know whether it was ever taken off during the day ; he always came up without the board. Mr. Swindall, the attorney, was eating dinner with Mr. Walley the day of Noble's death ; he came up sooner that day than he was in the habit of doing with the board ; being sick, I was not in the habit of seeing him with the board on ; the boy was very bad as a dirt-eater before the board was put on ; never heard the boy complain of the board till the night he died. Dr. Mills told me to procure fowls for the sick, and he would pay for them, if Mr. Walley refused ; Mr. Walley paid for them. Dr. Mills attended the sick-house regularly once a week, and always came when sent for ; he attended the negroes very kindly ; I know that negroes have been kept to their work when they wanted to come to the sick-house ; I do not know that any negroes were sent out of the sick-house within the last 14 months without the doctor's orders ; part of the time I was at Maddens with part of the sick, and therefore I do not know any thing respecting the sick in the upper sick-house ; none at Maddens were sent out but when the doctor ordered it ; the sick people

People generally had yams and mackerel for their breakfast, pigeon-peas for dinner, and gruel occasionally, and this in addition to their weekly allowance; Mr. Walley only missed giving this sometimes, but not very often; the weekly allowance is good. I do not know any thing of the treatment of Elsey; Elsey is now in the sick-house; I know that Dr. Mills removed a tumour from the shoulder; the shoulder is very much swollen. Daphney is a runaway, and when she comes home she is locked up in the stocks till she consents to go to work; I recollect the longest time she was kept in the stocks was two weeks, day and night constantly; her legs were never cut by the stocks; she had only one leg in at a time; she refused to work all the fortnight, and consented to work when she was let out; I never recollect any persons leg being cut in the stocks, except Frances. Last Monday a woman named Frances complained of being locked up in the stocks; she was in three days and nights; the first day both legs were in the stocks; she cried all day; Mr. Walley at night ordered me to release one leg; I took out the crooked one; the mark the magistrates saw was in consequence of her being put in the stocks; she was never out of the stocks during the three days and nights; there was a tub by her when nature required it; I do not know what the woman was put in the stocks for; she came in and said she was sick that morning, and said she could not work; said she had fever; did not feel her pulse; went to massa, and he gave orders to put her into the stocks; when I put her into the stocks felt her foot, and it did not feel hot; thought she looked sick; she is generally impudent and tonguey, but was not so that morning; during the whole time of her confinement she continued to refuse to work, saying she was sick; she consented at the end of three days to go to work; she went to work, and said she was better; she did not come in a week afterwards, but I cannot say about a fortnight; Mr. Walley, during her confinement, gave her a dose of sea-water; when I put the woman's leg in the stocks, I did not observe that the hole was too small; she did not complain at first, about an hour after I heard her cry her leg was cut; I could not go and see whether it was cut, unless I had orders; my master was all the time in a situation to hear her crying; he told me to take out one leg out of the stocks that night; I did not say any thing about it; massa heard her; I saw that her leg was cut when I took it out; I did not tell Mr. Walley of it, nor did he know it until the woman went into the sick-house afterwards; Frances often came into the sick-house; she is a sickly negro, and voids blood with her urine, and has been considered a sickly negro a long time; this woman is working in the small gang in consequence of her disease; every now and then subject to it; during her confinement in the stocks she never showed me any blood in her urine; always comes in when this is the case; is still working in the small gang; Mr. Walley never refused to let the woman come into the sick-house when she told her she had this complaint on her; she never worked in the Holing gang during last 14 months. I miscarried the other day; the doctor desired me to keep myself quiet; I saw the work neglected, and I came out of my own accord; no one compelled me; I remember Time and Bolam being sent out of the sick-house to their work, contrary to the doctor's orders; Time had a bowel complaint and Bolam a sore leg; Time was obliged to return a week after to the sick-house with the same complaint; she remained till the doctor gave orders for her to go out; Bolam's leg was nearly well when he went out; I do not know how long it was before he returned; it was more than four or five weeks; it was much worse when he returned than when he came in the first time; the flesh was all off the bone; he had the sore leg for years. I have not concealed any thing of Mr. Walley's conduct in consequence of any threat; I have told all I recollect; nobody has induced me to say any thing that is not true; I have stated all that my conscience dictates. Elizabeth England attends the sick-house when I have been ill, and assists occasionally.

Elizabeth England sworn. I am in the habit of going into the sick-house at Stapleton's estate very often by Mr. Walley's request; I have been in the habit of doing this almost ever since Mr. Walley has been living there: I visit the sick-house every day since I have been at Stapleton's; I have been at Stapleton's since May 1828. The sick nurse Lujer neglected her business, and Mr. Walley asked me to see to it for him; she used to fret Mr. Walley very much; she did not pay due attention to the sick; she has left people sick in the sick-house, and gone off the estate: I do not know how often, but she has been absent when Mr. Walley has been from home. I had the giving out of nourishment to the sick; Mr. Walley always desired that nourishment should be given out; it was always given out before the doctor ordered it, and when the doctor ordered it. I recollect William Noble

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in the sick-house; he was in constantly from the time I went to the estate, and did no work, without it was going with messages about the estate. I recollect Lynch and Nelly in the sick-house; never heard that the doctor ever complained that Lynch and Nelly wanted nourishment; Nelly was at first up in the yard, and was afterwards moved down to Maddens by the doctor's orders. Lynch was also down at Maddens. Lujer, as sick-nurse, attended the sick at Maddens; if the doctor ever complained to Lujer, the sick-nurse, that Lynch or Nelly, or any person wanted nourishment, it was her business to come to me, as I gave it out. I have seen Mr. Walley give Lujer money to buy chickens; I have often seen Lujer come to him for money; Lujer never came to me for nourishment for Lynch or Nelly without having it. Lujer never came to me for nourishment for any sick person without having it. I was in the habit of seeing the nourishment dressed, and was sure the sick always had it. Whenever any thing was sent from Mr. Walley's table no person was allowed to take it to the sick-house but myself, and he sent it most days. If by chance Lujer neglected to call upon me later than nine o'clock for nourishment for the sick, and Mr. Walley found it out, he scolded very much about it. Mr. Walley threatened to put her into the field for not paying more attention to the sick. I regularly called Lujer every morning to give her the nourishment for the sick. I did not always go into the sick-house to see the sick people take the nourishment, but did so sometimes: those that were able came down before me: when I have been in the sick-house the sick have complained to me that Lujer divided the nourishment, and did not give them the whole, but kept part for herself. On rainy days Mr. Walley sent duke or hot toddy to the sick-house; commonly he allowed the sick-house wine and porter. Mr. Walley ordered me to have chocolate, sago, pap and barley for the sick. I have often had disputes with Lujer about her business, and have told her about this very thing, if ever there should be a charge about the sick being neglected. Lujer was the sick nurse, and Mr. Walley gave her money to pay for fowls, and whatever was wanted from the store I gave out; but I do not mean that I bought fowls always, but sometimes, if a person was very weak, Mr. Walley gave me money to buy them, and I had them dressed; but every day I gave out the things from the store. I recollect Elsey run away from the field; Mr. Walley was absent the day she was brought home; I do not exactly know the time; I do not think it was three months since; I did not tell Mr. Walley that evening, but told him the next morning that Elsey was brought in. Mr. Walley desired she should be taken from where she was locked up: I asked Elsey why she ran away; she said she was sick, she had a fever and pain in her shoulder, and could not work; she did not tell me that Mr. Walley had struck her; Elsey told me her shoulder hurt her. I replied, why you always run away without your clothes, and that is the reason why your shoulder hurts you. She is a bad negro, for her mother is obliged to sow for her and her child. Elsey's mother and Lujer told me she would not plant a pea, she was so lazy. At the time that Elsey was complaining of her shoulder it was bare, and I said, your shoulder bare and you complaining of it; I looked upon the shoulder and never saw any mark or scratch upon it. Dr. Mills was not there; it was sometime after the doctor saw it. After that she went out of the sick-house to her work and came in again; when she came in the second time she was still complaining of her shoulder; she never said that any person ever beat her; when she was out she was in the habit of carrying pap and other things to the gang. I was not present when the doctor took the tumour out of Elsey's shoulder. Knows that Daphney is a most notorious character, a runaway thief and liar; has seen her twice in the stocks, not more, for running away; never knew her as much as two weeks on the stocks.

[Adjourned.]

At a meeting of the Magistrates, held in Charlestown, this 19th day of January 1830: present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Charles Pinney, Peter T. Huggins, Job Ede.

Elizabeth England sworn: I asked her (Elsey) one day, how she came to say Mr. Walley struck her on her shoulder; she made no answer. I have known Bolam a long time; he was in the sick-house with a sore leg: Bolam told me he wanted to get out of the sick-house, for it was no use for him to stay in the sick-house, as his leg would never get better. I have often heard Mr. Walley ask the sick

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sick nurse if there were any persons in the sick-house fit to go out to their work, and the sick nurse was always directed to send out such as were able to go to work. She has sent out people without Mr. Walley's orders that were fit to go out. Never heard Mr. Walley give any directions about Bolam's going out. I never heard that Bolam was turned out contrary to the doctor's orders. I never heard until this business that the doctor had the ordering out who were to go out and who were to remain in. I never heard that Dr. Mills had given any orders about Bolam's going out or not. Lujer was the responsible person about the sick-house when the doctor was absent: Lujer was the person who weighed out the medicine for the sick, and sometimes I did it; it was not my business to weigh out the medicines, but to see it done. When Mr. Walley was going off the estate, he told Lujer what was to be done, and told me to see that it was done. Calomel, jalap and rhubarb were such medicines as Lujer used to make up, such as the doctor ordered. I generally asked Lujer in the morning what sick people were sent out, or were to be sent out: the negroes were never sent out in the middle of the day. The day when Bolam went out of the sick-house I asked where he was; Lujer said he had gone to his watch; she said it was no use to keep him in the sick-house any longer. I have never known Bolam put on the stocks. The last time Bolam came in he was in the sick-house about two months, to the best of my recollection. I recollect Time coming home from the Camp estate; I believe it was cramp in her bowels; she was very ill, and Mr. Walley sent Lujer in the carriage to bring her home; she was in the sick-house two months; she was walking about the yard, and Mr. Walley met her going to the oven, and said, Time, you must go down to the mill and tie up ground canes. The mill was close to the yard. Lujer was in the pantry, and I suppose she must have heard the orders; I was at the chamber window and heard Mr. Walley give the same orders. I never heard Lujer tell Mr. Walley that Dr. Mills had ordered Time not to go out. I think Time was quite fit to go out; she did not return to the sick-house for some time after. Mr. Walley was fond of her, and said she was a good working negro, and he wished to indulge her: when she came in afterwards, she said she came in to get a purge, as she was afraid her bowels were going to attack her again; she went out again the same night. Lujer never told me that Time was sent out contrary to the doctor's orders. During the two months that she was in the sick-house, and walking about the yard, she had a relapse for two or three days; she had not been out previously to cause the relapse. I know Haga, she works in the old gang; she was removed from there, and put to mind thirteen calves. One evening she left out one calf till after eight o'clock; the usual time for putting them up was about five o'clock. The overseer was sick, and I went to reckon the calves, and they all looked very sick. I asked what was the matter with them, and she said they would not eat. I told Mr. Walley he had better change her and give them to a boy: she complained of being with the calves; she said she did not like the work; one died immediately after they were taken from her. Mr. Walley that night ordered her to be locked up in the sick-house, and the next morning sent out to the big gang to dig potatoe holes: she was not fit to go into the great gang. Mr. Walley picked up at that time all he could, and sent them to the great gang to get the work done. They went out on the Monday and were done on the Thursday. After that piece of land was finished, she was returned to the old gang; she was locked up only two nights, and she was never near the room where the stocks are; I know this, as I was the person who carried her to be locked up in the sick-house.

(signed) *Elizabeth England.*

C. C. Souch, sworn:—I went to Stapleton's estate as overseer in May 1826, and left it in March 1829: while on the estate, I lived about two years on the upper estate, and the remainder of the time at Maddens. The usual time for turning out the gang at morning was at half-past five o'clock; the negroes went off every evening at sun-set; the negroes were in the habit of bringing each day two bundles of grass or bush: half-hour was allowed for breakfast, two hours for dinner; they always had this time; they never worked all breakfast or dinner time, except once, and then Mr. Walley sent them breakfast in addition to their usual allowance. The usual mode of punishment was locking up for two weeks when they ran away; he has flogged them as other people usually flog them. I do not think while I was on the estate that the negroes were over worked; they did not work harder than other negroes. When Mr. Walley went to the estate there were six pints of allowance, and four herrings, given out weekly; afterwards he gave them a quart of allowance

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and two herrings in addition, and ginger tea of a morning before they went to work. There were a great many deaths on the estate while I lived there; most of them died from old age, and some from dirt-eating, and other complaints. I went to live on the estate two weeks after Mr. Walley. There were two coroner's inquests while I lived there; one on a man named Davis, and one on a man named Suis Barcus, both notorious runaways. I remember a man belonging to the estate named Enis, he always had a complaint in his chest, and great shortness of breath; he was a distiller; he was in the sick-house two or three weeks before he died, and he died in the sick-house; he was attended by the doctor; I was living at Maddens when he died.

(signed) C. C. Souch.

William Huggins, overseer, sworn :—Went to live at Stapleton's estate on the 1st of March last as overseer, and remained there until 16th October; was not particular as to the number of negroes at first; was particular in adding up the number of negroes some time in June or July, in consequence of Mr. Wood (who had been in employment on the estate) saying that Mr. Walley had returned more negroes on the parish list than were on the estate. Does not know of his own knowledge how many Mr. Walley returned, but found there were 199 negroes on the list. Heard there were two negroes belonging to the estate who were not on the list; was told a man named Scipio, and a woman named Sally Brown, were the two: Scipio was not on the list because he had run away for years; does not know why Sally Brown was not, but have heard she is free. The gang turned out as soon in the morning as they could see to work; knocked off their work in the evening at sun-set, to go for bush or grass for the cattle stakes; each negro threw a turn of grass at noon, and another at night. A quarter of an hour or twenty minutes was the time allowed at breakfast time, but think they had the same time as is allowed on other estates; I never timed them, but think they had sufficient time; two hours were allowed at noon: sometimes when the work was pushing, they never had breakfast or noon time on the same day; this was not frequent; when this was the case, the gang had sent to them for breakfast a ball of mussau and a herring, or a piece of pork, and at noon time, potatoes boiled for them, or tannias, all of which were in addition to their allowance; stopped working while they eat what was sent to them. In crop time they had frequently hot liquor sent to them; the gang worked at breakfast and noon time both in and out of crop occasionally, but not very often; on these occasions (in crop time) they always had hot liquor; have heard the negroes complain at working at their breakfast and noon time; out of crop time always had beverage, sometimes four times a day. Negroes worked very hard while I was on the estate; thinks some of them were worked beyond their strength, as those who were most able kept down their rows, and the others were pushed to keep up with them. I succeeded Mr. Souch. Has seen some of the gang exhausted from fatigue; sometimes in the morning almost half the gang have gone up to Mr. Walley complaining of being sick, when he selected and sent back to the field those he thought able to work, and when they came there, they worked as usual; saw no difference in their work; these were the weak ones who generally complained: some have gone to the field, and were returned to the sick-house upon their saying they were not able to work. Mr. Walley did not flog much himself; the driver flogged nine in the field; this was not done by Mr. Walley's orders; Mr. Walley has often ordered me to flog a negro, when (from my not considering the offence great) I did not do so. Never saw the driver strike a negro with a stick, or the handle of the cat; never saw Mr. Walley strike a negro with a stick; never saw him strike a negro but with a small switch which he rode with. Have seen Mr. Walley cat the negroes in the field over their clothes; never saw him flog one with his own hands otherwise. Driver would sometimes give three up to a dozen; never saw thirty-nine stripes given; never a severe flogging. Mr. Walley has directed to give thirty-nine, but I never did so. Thinks the driver was in the field unnecessarily severe; never mentioned this to Mr. Walley; Mr. Walley never gave this order, but would sometimes find fault with the driver for not having had a sufficient quantity of work done, when he would push the negroes. There were nine deaths on the estate during the time I lived there; considered that a great number; people were generally swelled. Some of them eat dirt; did not know the cause; were a great many little ones, and good-sized ones too, who eat dirt; there were a great many dirt-eaters on the estate; the negroes generally were addicted to it. Two of the nine deaths did not take place in sick-house;

house; one died in negro-house, named John Tomiah, from old age; the other, Anney, a leper, on the Wednesday evening; seven died in sick-house, and were attended by the doctor; there was one sudden death, an infant boy, named William Dougans, who was carried up to the yard, but died before the doctor, who was sent for, came to him. Nothing extraordinary attended the death of the seven, except in Nelly, upon whom an inquest was held in consequence of it having been suspected that she was poisoned. I suppose about four or five died (but cannot positively say the number) before I added up the list. Quitted the estate in consequence of Mr. Walley's insisting on my paying for a cattle which died from being overworked, and attributing it to my neglect, to which I have now sworn the contrary.

ST.
CHRISTOPHER.(signed) *Wm. Huggins.*

[Adjourned.]

At a meeting of the Magistrates, held in Charlestown, this 23d day of January 1830; present,

The Worshipful George Bucke, Esq. Chairman *pro temp.*; E. L. Howe, Charles Pinney, Peter T. Huggins, Job Ede.

Dr. Hanley sworn:—Having been examined this day, states as follows: Mr. Walley told me he had written to Lord Combermere to say, if he was dissatisfied with the decrease of negroes, he, Mr. Walley, would purchase a dozen at his own expense, and put them on the estate. When first I attended the estate during Mr. Mulhall's time, I found Lujer a confidential servant about the house; conceiving her character to be a good one, I was induced to put her into the sick-house as sick nurse; in that capacity I never had occasion to complain of her; never recollect Elizabeth England in the capacity of superintendent in the sick-house: I do not recollect that Elizabeth England ever came to me in the capacity of sick nurse. I saw her there occasionally during Mr. Walley's illness, and occasionally afterwards. I do not know whether she remained there or not.

Mr. William Huggins sworn. I do not know much of the character of Lujer; I was at Madden's, and she above; I went every morning to visit the sick, she appeared to answer the purpose of sick-nurse. Mr. Walley has often told me not to trust her by herself to give the allowance to the 15 or 16 people who were fed out of the pot daily, as she was a damned thief, and must attend to it myself: these people were working in the field and were lowly, and had no family on the estate, being principally Africans. I have seen Lujer weigh out physic, and give it to the sick: after I had visited the sick-house, I went into the field and saw no more of it. I recollect Mr. Walley quarrelling with me for giving Lujer potatoes one night for the next day's use, as he said you cannot trust her, as she would go and sell them. When I returned home, I mentioned to Mr. Walley that Mr. Wood had said that the return to the parish was incorrect; Mr. Walley replied, what should he know about it? he is a damned rascal; what should he know about the increase or decrease since he left the estate? Mr. Walley said, there was a man he had treated with every civility, had given him a house to live in, and negroes to wait upon him. Mr. Walley said, that somebody had written home about him (Mr. Wood), and he thinks he, Mr. Walley, had done so; but he did not know who did it, and he was determined to get rid of the damned rascal. I said, on Mr. Walley asking me to pay for the cattle which died, "If I had to pay for the cattle which died, I think I should have to pay for all the negroes which died on the estate, and at the end of the year I should be greatly indebted to the estate." Mr. Walley replied, that Dr. Mills attended the estate; he knows the complaints of the negroes, and has paid every attention to their comfort. I meant that the cattle died working, and the negroes died, and that I did not kill the cattle more than Mr. Walley killed the negroes: I do not mean to say that Mr. Walley was the cause of the death of any of the negroes; I have never known negroes worked so hard any where else, or get so well fed. I cannot tell from what cause the negroes died; they all died swollen. I do not think the stocks were more severe than other stocks in the way they were put up; I thought the holes were rather smaller than other stocks; have heard the negroes complain of them, by saying they cut their legs. I never saw any one in the field working who ought to be in the sick-house, when they complained I always sent them up: I have known Mr. Walley send them

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them down to the field, and I have sent them back, and he has never refused them. Some of the negroes who were sent out of the sick-house in the morning returned in the afternoon to their work, and worked very well.

(signed) *Wm. Huggins.*

Matthias, a slave belonging to Lady Stapleton's estate, sworn.—I am in the habit of coming up every morning, and making a report to Mr. Walley of any negroes that may be absent from the field. Mr. Walley has always desired me to go to the sick-house and see if any were there. Mr. Walley always sent me to the sick-nurse Lujer, to ask her if any of the sick were fit to go out : never knew Mr. Walley to turn out a negro who Lujer said was not fit to go out ; he never saw a negro who was in the row unable to work there ; if there was a weak one, a strong negro was put to help him ; sometimes three weak ones were put to work together. I never heard, when I took them to the field, any complaint that they were turned out contrary to the doctor's orders ; they worked the same fashion. I am not the driver, but occasionally an assistant driver, being a mason by trade. I have received from Mr. Walley since Christmas a barrel of flour and a barrel of herrings, between me and Foe the ranger ; he gave these because we took care by turns of the cattle at the stakes at night ; these things were given as a reward for taking care of cattle and calves ; there were no other watchmen but the stock-keepers. I did not get the same last year : last year, when the gang got 10 pounds of pork, we got 20 pounds for our allowance. The flour and herrings were given about a week before Mr. O'Brien came up from St. Kitt's ; we got the flour and herrings for nothing else but for minding the cattle and calves well.

Matthias re-examined.—The negroes did not work harder than they did before ; they do more work.

Foe, a slave belonging to Lady Stapleton's estate, sworn.—I am a ranger on the estate ; Mr. Walley has allowed me something for taking care of the stock ; Christmas before the last he gave me a doubloon for taking care of the stock ; last year he gave me half barrel flour and half barrel shads for the same reason ; Matthias had the other half barrel flour and half barrel shads ; he helps to mind the stakes ; others mind the stakes, but the watchman, Bacchus, was a runaway negro.

Tomma, a slave belonging to Lady Stapleton's estate, sworn.—I have been a driver on the estate a long time ; I am not a driver now, I am a watchman. I think the negroes work uncommonly hard ; they work harder now than ever I knew them ; they work harder than other negroes : they scarcely ever had breakfast or noon time ; I see this myself ; the flag is put up, but they do not go off from their work. When I was a driver, Mr Walley and myself never agreed together ; I did not answer his purpose, and he dismissed me, because I did not beat the negroes for every fault. I swear positively that the reason why Mr. Walley dismissed me was because I did not beat the negroes enough. I have not quarrelled with Mr. Walley since I have been a watchman. I know William Noble, he is my grandchild.

Thomas Brown, a slave, belonging to Lady Stapleton's estate, sworn.—I am a mason on the estate ; I know Eneas ; I know Mr. Walley flogged him four times one day with a cat with his own hands ; I held him all four times ; he was a fireman ; he licked him because he said the fire was not good ; he flogged him on his bare back ; he was held by me and Foe twice, and me and Aleck twice. Miss Polly England was in the boiling-house at the time, and looked out the first time, when the man fouled himself. The first flogging was not very severe. I do not know how many stripes he got this time ; does not know how many he got the second and third times, but I reckoned the last flogging he got about 50 stripes the last time, when he again fouled himself ; all this in one day. Foe was the boatswain of the mill. I cannot say whether the overseer was Mr. Souch or Mr. Ivancy. The boiler-men did not see the flogging at the copper-holes, but I saw the first in the boiling-house, when he fouled himself. After receiving the last flogging he went back to make his fire, when Mr. Walley ordered him to be locked up. I saw a man carry him to be locked up ; he passed my door to be locked up. The second night we boiled late, and he was not locked up. He went to fire-making the next week, and made fire until Saturday night ; he complained that week of having fire and pain in the stomach ; he told me this. I do not know whether he told this to Mr. Walley. Mr. Walley found fault with him for the fire this week, and told Mr. Ivancy to flog him whenever the fire was bad. Mr. Ivancy flogged him two or three times during the week. He had the fever when Mr. Ivancy flogged him on

on the Saturday. I saw chains and clogs on Aleck's legs on Monday. Eneas was lying down under his own house on Monday, and Mr. Walley sent Dorus to bring him down to Maddens. I was in the yard on Tuesday morning when Eneas came to Mr. Walley complaining that he had fever, and saw the driver, in the presence of Mr. Walley, flog him out of the yard. Wednesday morning saw him in the stocks; saw him in the sick-house on Friday evening, when they were rubbing him up with hartshorn. I saw him dead on Sunday morning. I never had any quarrel with Mr. Walley; being on my oath I only speak to what I know.

[Adjourned.]

ST.
CHRISTOPHER.

At a meeting of the Magistrates, held in Charlestown, this 4th day of February 1830; present,

The Worshipful William Pemberton, Esq. Chairman; George Bucke, Thomas Libard.

Thomas Browne, a slave belonging to Lady Stapleton's estate, sworn:—On the day that Eneas got four floggings they were grinding the lay-over canes at the upper mill; we finished grinding at the upper mill the latter end of the week, and went to Maddens the Monday following to grind. We cut the rain-piece; we ground the whole week, and continued from the same piece the week after. Mr. Souch and Mr. Ivancy were the overseers at that time: was certain Mr. Ivancy was there, as he told deponent that Mr. Walley was very angry because he was not there to help pot sugar on Sunday.

Mike, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; know Eneas made fire. When we were grinding the lay-over canes of the Guava field at the upper mill Eneas made fire. Eneas did not make fire to please Mr. Walley, and he sent Thomas Browne to bring him into the boiling-house: when he was brought in Mr. Walley catted him very severely with his own hands over his naked shoulders; Thomas Browne was one who held him. He was sent again to make fire, but not doing so to please Mr. Walley, he was brought in the second time by Thomas Browne, and Mr. Walley flogged him again over his naked shoulders with the cat. After he was flogged he fouled himself. Polly England was minding the boiling-house that day. Mr. Ivancy was the only overseer at that time. Cannot say how long they were grinding at the upper mill; after grinding was finished at the upper estate went to Maddens to grind.

Jacob, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; I know Eneas was a fire-maker; he made fire at the upper work; Eneas did not make fire to please Mr. Walley, and he was flogged twice on his bare back the same day; the second time he fouled himself; I cannot say who inflicted the flogging. We were grinding at the upper work. We cut from two pieces, one plants and the other rattoons; after they were cut off we went to Maddens to grind, but cannot say if we ground directly. Eneas made fire there. Eneas was taken sick at Maddens.

Dorus, a slave belonging to Lady Stapleton's estate, sworn:—I am a boiler; Eneas was a fire-maker. We were grinding at the upper work, cutting the canes called Guava field; Eneas was making fire there; he did not make fire to please Mr. Walley. Saw him flogged once in the boiling-house; I did not go out of the boiling-house, and cannot say if he was flogged again. Mr. Walley flogged him himself; I held him, so did Thomas Browne. After having finished grinding at the upper work we went to Maddens to grind directly, and cut the spout-piece and the rain-piece; Eneas made fire there, but did not make fire to please Mr. Walley; he flogged him twice one day in the boiling-house; those floggings made him sick, and he did not come to his work on the Monday morning, and Mr. Walley sent deponent to look for him; found him at his door lying down, and complaining very much that the blows had made him very sick. His face was swollen, and cut round his forehead and nose; the blood was not washed off his face. I carried him to Mr. Walley in that state. I met Mr. Walley in the path; he said Eneas was a worthless fellow, and desired deponent to carry him to Martin, in the field at Maddens, to lock him up every night, which deponent did. I never saw Eneas afterwards. When he was flogged in the boiling-house, Mr. Walley flogged him himself with his own cat.

Foe, a slave belonging to Lady Stapleton's estate, sworn:—I remember when the garden bottom piece was cutting, and ground at the upper work; Eneas made
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fire at that time: he did not make fire to please Mr. Walley. Mr. Walley flogged him twice at the copper-holes, and Thomas Browne held him. I was not at the boiling-house, and cannot say if he was flogged there. Mr. Walley flogged him himself with a cat; his back was bare. The boilers complained they had no fire, and Mr. Walley flogged Eneas twice that day. I was boatswain of the mill that day; can positively say Polly England was not there; heard on a Sunday that Eneas was dead.

Martin, a slave belonging to Lady Stapleton's estate, sworn:—I was a driver, and Mr. Walley broke me, and put me to be a watch about five months before Christmas. I knew Eneas; Mr. Walley put him to make fire; he was brought to me in the field by Dorus on Monday; when he was brought to me he was sick, and could not work; he complained of rheumatic pains, fever and blows; he laid down in the field. Deponent let him go on one side to ease himself; he staid rather long, and deponent went to look for him; he was lying down; deponent brought him among the gang. When Mr. Walley came, deponent said Eneas could not work. Mr. Walley said if he would not work, to bring him up and lock him up at night till he consented to work; I locked him up in the upper sick-house. Mr. Walley said he (Eneas) was his (deponent's) family, and that was the reason why deponent would not make him work. I locked him up the first night, which was Monday night, and never saw him afterwards; he died on Saturday night the same week. No inquest sat upon him. When Eneas was brought to deponent by Dorus, he (deponent) was cutting the rain-piece.

Sargeant, a slave belonging to Lady Stapleton's estate, sworn. I am a carpenter on the estate; I knew Eneas; I was working in the yard, the sick nurse came and called me, Hector and Tom Grey to take him out of the stocks and carry him to the sick-house, which we four did; Mr. Walley came and spoke to him, but he made no reply, and could not walk; it was either on a Thursday or a Friday, he died on the Saturday night the same week.

Tom Grey, a slave belonging to Lady Stapleton's estate, sworn. I am a watchman; I came into the yard about three o'clock in the afternoon, on a Friday; the sick nurse came and called Sargeant, Hector, and myself, to assist her to take Eneas out of the stocks, to carry him up to the sick-house; we all took him out and carried him up. Mr. Walley said, you only do this to get out of the stocks, but I will have one put up for you in the sick-house; he could not walk up; he never spoke. Mr. Walley told us to make him stand up. Deponent said he could not stand up. Mr. Walley said you must make him, that he (Mr. Walley) might feel his pulse, when he (Mr. Walley) said his pulse was better than his own. When deponent had quitted the sick-house, the sick nurse came and called us to return and hold him up to give him his physic, which he could not swallow, and it run out both sides of his mouth; I shaved him on Sunday when dead, at which time he was bleeding at the head and mouth. Mr. Souch was the only overseer at the time.

Lujer, a slave belonging to Lady Stapleton's estate, sworn. Eneas was in the stocks on Friday afternoon; Mr. Walley sent up my sister Lubbo for the people who were in the stocks; I did not know till Friday morning that Eneas was in the stocks; when I saw him in the afternoon, he was lying on his back; I spoke to him twice, but he made no answer; I went to Mr. Walley and told him of it; Mr. Walley replied you must get somebody to take him out, and I called Sargeant, Tom Grey and Hector, to take him out; when he was brought out Mr. Walley met him, felt his pulse, and said carry him to the upper sick-house; his pulse was very good; but he could not walk up; I made the three men lay him on the bed; I spoke to him, he made no reply, and did not open his eyes; I made Tom Grey hold him up to give him his medicine, he swallowed but little of it; the physic was calomel and jalap, ordered by Mr. Walley; the same night, (Friday), at eight o'clock, I asked him if he would have a little tea; he said yes, and we held him up and he drank it, the next day he was still very poorly, but I got him to take a little chicken soup; he never took any thing after, and died at midnight; I think the doctor saw him on Saturday, but I am not positive that he did see him; he had a bad pulse, I felt him, they were low and bad.

Nannette, a slave belonging to Lady Stapleton's estate, sworn. I am sick-nurse under Lujer; I know Eneas was in the stocks two days; I dressed his foot; he was sick when he was put into the stocks; I attended him two days in the upper sick-house; when he was removed from the stocks to the sick-house I was absent; on Saturday night, seeing he would die, I set up with him, and he died about middle night; I was present when the physic was given him, but he could not swallow it;
whenever

whenever I touched any part of his body, he bawled ; after he died he bled from his mouth and nose about a pint of blood, which was caught in a tub, besides what was on the cabin. I know William Noble, he had a board collar round his neck ; it was put on to prevent his eating dirt ; it was taken off every night while I was there ; I never saw any person strike him ; he complained much for his neck after he fell down, and died the night of the day after ; after the board was broken Mr. Walley mended it and put it on again the same evening ; it was always taken off at night.

ST.
CHRISTOPHER.

At a Meeting of the Magistrates, held in Charlestown, this 27th day of February 1830 ; present,

The Worshipful William Pemberton, Esq., Chairman.

Polly England sworn. I know Eneas, he had a lame leg ; he was always in the sick-house, and was a kind of worthless person ; he was always partly naked ; he was always troublesome in the yard ; he died in the sick-house with a kind of dropsy ; he died one Saturday night, the same week that Mr. Sturge died. Mr. Souch and Mr. Wood were the overseers ; never knew Eneas to be a fire-maker under the coppers ; I never minded the boiling-house when Foe was a boatswain of the mill ; I have minded the boiling-house occasionally ; I am positive Mr. Swaney was not the overseer at the time of Eneas's death ; I never heard that Eneas was upon the stocks ; I knew Mr. Walley broke Martin as a driver, but cannot say what time it was ; I cannot say who was driver when Eneas died ; I do not know whether they were grinding when Eneas died ; I know that Eneas was repeatedly in the sick-house, but cannot say how many months ; I know that Dr. Mills saw Eneas the day he died, and several times before ; I know Eneas was a distiller, and occasionally made fire under the still ; he has made fire when I have been watching the still-house ; when he was not attending the still-house, he was cutting brush for the still, if not in the sick-house ; I do not recollect that Mr. Walley ever gave directions for Eneas to make fire under the coppers. Thomas Brown told deponent that Mr. Walley had spoilt his character with Mr. Swindell and Mr. O'Bryan, and that he would spoil Mr. Walley's also ; I asked him in what way, he said that was best known to himself ; I have never known Mr. Walley give Eneas a slap, much more a flogging ; I made Eneas's shroud, and saw no marks of violence on him ; never knew Eneas was put to watch potatoes out of crop.

(A true copy),

Nevis, 2d July 1830.

(signed) *F. J. Galpine,*
Justice of the Peace and Clerk to the Magistracy.

Enclosure 6, in No. 3.

Sir,

St. Kitt's, March 22d, 1830.

I HAVE attentively perused the examinations taken before the magistrates at Nevis, in the case of Mr. Walley, the manager of the estate of Lady Frances Stapleton, and have given to them the consideration which the importance of the matter disclosed therein so much required.

The decrease which has been proved to have taken place in the gang of slaves during the time that they were under the superintendence of Mr. Walley, appears clearly to have arisen from their having been overworked, and in other respects maltreated. The evidence of Dr. Mills, of the overseer William Huggins, and also of Dr. Hanley, corroborated by the conversation which took place between him and Mr. Walley, as appears in his second examination, fully justifies that conclusion ; but in order to afford the means of supporting a legal prosecution, it is necessary that some particular case should be brought before the cognizance of the Court, and that there should be sufficient direct legal evidence to convict the party of the offence with which he may be charged. I am clearly of opinion that the evidence of the slaves which has been taken before the magistrates would not be legal evidence against Mr. Walley, on a trial for any capital offence ; inasmuch as the law of the island, which admits the competency of slaves to give evidence, particularly excepts evidence as to matters which took place antecedently to the passing of the Act ; and also declares, that no slave shall be competent to give

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evidence as to any matter or thing in any case where the manager or director of any such slave shall be charged with or prosecuted for any capital offence. The first case that appears in the course of the examination is that of the slave Bolam; and I am of opinion that the evidence of Dr. Mills, as to the circumstances that caused his death, is sufficient to justify an indictment against Mr. Walley for murder; and, should the grand jury ignore the bill for that offence, will certainly be sufficient to compel them to find a bill for maltreatment, under the 15th clause of the Leeward Island Amelioration Act; and on a trial for that offence, if it occurred subsequent to October 1828, the evidence of the slaves will be admissible.

The case of the slave Frances appears also to be one of maltreatment, within the meaning of the 15th clause of the Amelioration Act; and as, from the examination, it must have been one of recent occurrence, the evidence of the slaves will be admissible.

The case of Eneas, alias Innes, if the evidence of the slaves can be believed, is one of great enormity; and it appears extraordinary that the magistrates should have neglected to examine the overseer Swaney, and Dr. Mills, with respect to what they knew of the circumstances which caused his death. The slave Thomas Brown swears, that Mr. Swaney was the overseer at the time that Eneas alias Innes was flogged, and although he is contradicted in that respect by other witnesses, yet his examination would be most material. If the deceased was not visited by any medical man within 48 hours of his decease, an inquest should have been held on the body, as directed by the 20th clause of the Amelioration Act; and if Mr. Walley omitted to give notice to the coroner of the death of such slave, he is liable to a penalty of 100*l.*; but if Dr. Mills did see him previous to his death, his evidence would be material. From the situation which Elizabeth England held in Mr. Walley's domestic establishment, nothing can be expected but unwilling testimony from her; but it does appear to me, that under a strict examination more might be obtained from her respecting this particular case than appears in her examination. Under these circumstances I recommend a further examination respecting the cause of the death of Eneas, alias Innes; and I shall be better able, from the result, to advise what proceedings will be justified in this case.

It appears also that no notice has been taken of the circumstances mentioned in the examination of William Huggins, respecting the return of slaves made by Mr. Walley to the parish, as subject to parish levies. If this return were made in writing and on oath, and if the number of slaves returned was much greater than the number then actually alive, there must have been some cause for a proceeding so much in opposition to the interest of the proprietor of the estate; and the inference must be that it was made from a fear that if the decrease were publicly known an investigation might have taken place which Mr. Walley was afraid to meet. I recommend that a further examination on this point should also be made, and that if possible the evidence of Mr. Swindell, the attorney of the proprietor of the estate, should be obtained, as it must be calculated to elucidate some of the points of this melancholy detail.

I have the honour, &c.

To His Excellency the Governor,
&c. &c.

(signed) *Robt. Claxton.*

Enclosure 7, in No. 3.

Sir,

St. Christopher, 23d March 1830.

I HAVE the honour to acquaint you, that it appears to me the examinations before the magistracy of Nevis, in the case of Mr. Walley, the late manager on Stapleton's estate, disclose a series of very unwarrantable and illegal treatment of the slaves of that property; and in three particular instances, of a most aggravated and cruel nature, two of which were only terminated by the death of the individuals.

Mr. Solicitor-General Claxton, to whom this grave matter has been referred, has this day reported to me his opinion, that in a further examination of particular witnesses sufficient evidence will be elicited to authorize indictments being preferred against Mr. Walley for maltreatment under the Leeward Island Amelioration Act, and possibly under the Act for regulating the admission of the Evidence of Slaves, recently enacted.

I therefore

I therefore most earnestly call the attention of the Honourable Board of Council and House of Assembly to the propriety of having this deplorable case of maltreatment of the slaves, and unusual mortality which has occurred amongst them, to be further inquired into before the magistrates by the Solicitor-General and Mr. Peterson, who, I have no doubt, on a close examination of some of the witnesses, will procure sufficient testimony to substantiate the criminality of Mr. Whalley in his treatment of these slaves.

I feel confident of the earnest desire of the Legislature of Nevis that a thorough examination of this matter should immediately take place, and that it will readily sanction the employment of the Solicitor-General and Mr. King's Council Peterson to conduct, in a legal and efficient manner, an inquiry into the circumstances of this untoward case, which the important evidence already disclosed in the examinations appear to merit.

I have, &c.

To His Honour the President,
&c. &c. Nevis.

(signed) *Chas. Wm. Maxwell.*

Enclosure 8, in No. 3.

Sir,

Nevis, 31st March 1830.

WITH regard to the series of unwarrantable and illegal treatment of the slaves on Stapleton's estate, I beg to repeat to your Excellency, that the members of His Majesty's Council of this Island have done, and will continue to do, every thing in their power to bring to light every circumstance connected with this unhappy business.

I beg to add, that they will cheerfully and readily agree to avail themselves of the able assistance of the Solicitor-General and Mr. Peterson.

I have, &c.

To His Excellency Governor Maxwell,
&c. &c. &c.

(signed) *Walter Maynard.*

Enclosure 9, in No. 3.

Sir,

Nevis, April 3d, 1830.

I HAD the honour to receive your Excellency's letter of the 1st April, but on receiving your Excellency's former communication, wherein you make known the opinion of the Solicitor-General, I thought it highly necessary to hold Mr. Whalley to bail; I therefore applied to the Chief Justice, who immediately wrote to desire Mr. Whalley to attend in town for the purpose, but he was then on the point of leaving the island for a few days.

I have made known to Mr. Peterson your Excellency's wishes respecting the communication with the Solicitor-General.

I have, &c.

To His Excellency Governor Maxwell,
&c. &c. &c.

(signed) *Walter Maynard.*

Enclosure 10, in No. 3.

Sir,

Nevis, 2d April 1830.

I BEG leave to inform you, that official communications having just been made between Mr. President Maynard and myself, on Mr. Walley's case, I transmit herewith, for your Excellency's information and satisfaction, a duplicate of my letter to his Honour on the subject.

I have, &c.

To His Excellency Governor Maxwell, c. s.
&c. &c. &c.

(signed) *Jno. Peterson,*
Junior King's Counsel.

ST.
CHRISTOPHER.

Enclosure 11, in No. 3.

Sir,

Nevis, 1st April 1830.

IN consequence of the communication to me of His Excellency the Captain General's despatch to you on the subject of Mr. Walley, and his alleged maltreatment of the slaves of the Stapleton's estates, and of your subsequent instructions to me thereon, I consider myself fully authorized to act officially, and to adopt and pursue, in conjunction with Mr. Solicitor-General Claxton, such legal measures as this deplorable occasion demands.

I had abstained for various reasons from any interference with the investigation of the case which had been instituted before the magistracy, but more especially because I was apprehensive that such interference might, under the then existing circumstances, be deemed an officious intermeddling; but I have been by no means unobservant of it, and that apprehension being now put out of all question, I beg to assure you that I shall proceed to the prompt and zealous exercise of the duties of my office, uninfluenced by any consideration whatever but that of their correct and just performance.

It will be necessary that I have, perhaps, repeated consultations with the Solicitor-General at St. Christopher, and these, together with the process of the Court for Witnesses, &c. will be unavoidably attended with expenses which it would be inconvenient for me to draw money for from my private resources.

I therefore beg to call your attention to this circumstance, and to request you to give authority to the Treasurer of the island to furnish me with such reasonable sums as from time to time may be requisite for these purposes, as was done in the case of the late piratical felons, Fletcher and Arindell.

I have, &c.

(signed)

John Peterson,
Junior King's Counsel.To His Honour Mr. President Maynard,
&c. &c.

Enclosure 12, in No. 3.

Sir,

Nevis, 7th April 1830.

I BEG leave further to report, for your Excellency's information and satisfaction, that having called on Friday last on Mr. Justice Pemberton, he having been one of the examining magistrates, to hold Mr. Walley to bail, I furnished him with a draught of a recognizance for that purpose, and I now transmit a copy of the recognizance itself as returned and filed in the Crown-office.

At the Court yesterday I moved that Mr. Walley be called. On his appearing, I stated that the case having been very recently put into the hands of the Crown lawyers, it was quite impossible that any indictments should be prepared, but by the showing upon the face of the recognizance, there was sufficient before the Court for not discharging Mr. Walley. He was thereupon ordered to enter into a fresh recognizance, himself in 500*l.* with two sureties in 250 *l.* each, which was immediately done, his former sureties being his present bail, and the Court was adjourned to the 20th instant.

I have, &c.

(signed)

John Peterson,
Junior King's Counsel.To His Excellency Governor Maxwell, C. B.
&c. &c. &c.

Enclosure 13, in No. 3.

Nevis } BE it remembered, that on the 3d day of April, in the 11th year of the
to wit. } reign of our sovereign Lord George the Fourth, by the grace of God of
the United Kingdom of Great Britain and Ireland King, Defender of the Faith,
before me, the Hon. William Pemberton, esq. one of the Justices of our said Lord
the King, assigned to keep the peace in the said island of Nevis, and so forth,
personally appeared John Walley, of the said island of Nevis, planter; George
Bucke, of the said island, esq.; and William Weekes, of the said island, merchant;
who severally and respectively acknowledged themselves to owe to our said Lord
the

the King as follows; that is to say, the said John Walley, the sum of 600*l.* of *current* money of the said island; and the said George Bucke, and the said William Weekes, the sum of 300*l.* like money a-piece, to be levied of their several and respective lands and tenements, goods and chattels, to the use of our said Lord the King, his heirs and successors, if the said John Walley shall make default in the condition hereunder written: Whereas upon certain examinations lately had upon the oaths of divers witnesses before me the Justice above mentioned, and other His Majesty's Justices then being my associates in that behalf, and upon due consideration of the premises and legal advice thereupon had, it appears that the above-named John Walley hath cruelly maltreated a slave named Innes, a slave named William Noble, a slave named Frances, a slave named Daphné, and other slaves whose names are not as yet ascertained, then being slaves belonging to the plantation in the said island late of Lady Frances Stapleton, deceased, under the management, direction and care of the aforesaid John Walley: Now the condition of this recognizance is such, that if the above-named John Walley shall and do be and appear in his proper person before the Justices of the Court of King's Bench and Common Pleas of the said island of Nevis, at a court to be holden for the said island in the town of Charlestown, in the said island, on the first Tuesday of the month of April instant, then and there to answer to any indictment and indictments which may be then and there preferred against him for the offences aforesaid, and to all such other matters and things which on His Majesty's behalf shall then and there be objected against him, and shall not depart the court without leave, and shall in the mean time keep the peace towards all His Majesty's subjects, then this recognizance to be void and of none effect, or else to be and remain in full force and virtue.

ST.
CHRISTOPHER.

Acknowledged, the day and year above written, before me,

(signed) *Wm. Pemberton, J. P.*

Enclosure 14, in No. 3.

Sir,

St. Christopher, 26th May 1830.

I HAVE the honour to acquaint you of the arrival of the Honourable Charles Thomson, His Majesty's Attorney and Advocate General for this Government, and beg leave to recommend that he should be retained to conduct the prosecution which the Legislature of the island of Nevis has authorized to be instituted against Mr. Walley, for the several atrocious acts of ill-treatment exercised upon the slaves belonging to Stapleton's estate.

The delay that has taken place in the investigation of the very serious charges against Mr. Walley, and the importance of a thorough examination of his alleged delinquency, I feel persuaded will induce the Legislature of Nevis to require the professional assistance of the Attorney-General in this grave matter, and which I earnestly hope may be obtained.

I have, &c.

To His Honour the President,
Nevis.

(signed) *Chas. Wm. Maxwell.*

Enclosure 15, in No. 3.

Sir,

Nevis, May 28th, 1830.

I HAVE this moment received your Excellency's communication of the 26th.

There is, I am certain, no expense which will be spared by the colony in bringing to light and punishing the several offences of Mr. John Walley; I therefore have written to the Attorney-General, by the present opportunity, requesting his services.

I hope the time will be sufficient, as I understand the trial is to come on next Tuesday.

I have, &c.

(signed) *Walter Maynard.*

To His Excellency Governor Maxwell.

ST.
CHRISTOPHER.

Enclosure 16, in No. 3.

Sir,

Chambers, Charlestown, June 28th, 1830.

I **BEG** leave to transmit to your Excellency the following documents ; viz.

Copy of my Charge to the Grand Jury, at a Court of King's Bench and Common Pleas, on Tuesday, June 1st ;

Note of Proceedings in *Court* on the Trial of Mr. John Walley, for Manslaughter, on the 16th June ;

Report of the Trial of Mr. John Walley, for Manslaughter, on the 17th June.

The unsatisfactory termination of this latter trial has induced me to feel particularly anxious that your Excellency should be in possession of every means which can afford authentic information, and which may enable you to form a just opinion of the whole of these events.

I have therefore commenced with my address to the Grand Jury, before whom the several indictments against Mr. Walley were preferred, that you may be acquainted with the sentiments and directions expressed by the Court at the commencement of these proceedings.

The first trial for manslaughter broke down in consequence of the legal incompetency of all the witnesses against the prisoner.

On the second trial the case proceeded to its termination. I have appended to the evidence the observations with which I concluded my summing up ; and I have done so that your Excellency may become acquainted with the endeavours of the Court to bring the jury to a proper sense of their duty.

I trust, Sir, I need hardly assure you that the Judges contemplate the verdict which terminated this trial with feelings of the most entire dissatisfaction, and look forward with anxiety to its producing a most pernicious effect on the future administration of criminal justice.

Your Excellency will excuse the delay which has taken place in transmitting to you these documents when you are informed that for the last ten days I have been confined to my bed.

I have, &c.

His Excellency the Captain General,
&c. &c. &c.

(signed) *George Webbe*,
Chief Justice.

Enclosure 17, in No. 3.

Nevis.—CHARGE delivered by Mr. Chief Justice Webbe to the Grand Jury, at a Court of King's Bench and Common Pleas, on the 1st of June 1830.

“ Mr. Foreman and Gentlemen of the Grand Jury,

“ You are called together for the purpose of receiving certain indictments which it is intended to prefer against several individuals in this community : some of these indictments are of a serious nature ; the occurrences upon which most of them are grounded have unfortunately become the subjects of much notoriety, and, as always in such cases happens, the subjects of much misrepresentation.

“ I shall endeavour briefly to point out to you the law as applicable to the offences laid in the indictments, as the rule whereby you will be governed in considering the evidence which may be laid before you. The first is an indictment against Mr. John Walley, late the manager of Stapleton's estate, for murder. It would appear from the evidence, that a slave of that estate, named Bolam, died under circumstances which would seem to disclose a series of maltreatment, neglect, and ill-usage ; and it will be for you to say whether there are grounds to believe that such ill-usage and neglect were the causes of his death. It is proper that I should read to you some authorities on this subject :”—[The Chief Justice here cited and read extracts from 4 Blackstone, 197 ; 1 Hawk. P. C. 119 ; 1 Russel on Crimes, 426 ; 1 Leach 163, Self's Case ;] and proceeded : “ You will therefore observe, that you must be satisfied that the ill-treatment amounts to evidence of malice, for without malice, express or implied, the charge of murder falls to the ground.

“ Two

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CHRISTOPHER.

"Two indictments will also be preferred against Mr. Walley, for maltreatment and cruelty in flogging and otherwise maltreating a slave of Stapleton's, named Innes. These indictments are grounded on an Act of the Leeward Islands, commonly called 'The Amelioration Act;' and if it shall appear to you that there are grounds to accuse him of these offences, you will have little difficulty in coming to a suitable conclusion. There is also an indictment against Mr. Walley for maltreatment and cruelty in confining a slave named Frances for an undue length of time, and without intermission, in the stocks; this indictment, as the two former, is grounded on the Act of the Leeward Islands, which I have already mentioned.

"But it is proper to point out to you, that the chief part of the evidence in these cases is slave evidence, and that that evidence is inadmissible against a manager or person having the immediate direction of the slave, as relating to any transaction prior to the 10th of October 1828, that being the period when the Act of the Island which authorizes the admission of slave evidence was passed, and the provisions of that law not being retrospective.

"It appears also that Innes died soon after the alleged maltreatment which is referred to in the indictments; now it is possible that some of the slaves who are witnesses may refer, in giving their evidence, to this death as connected with the maltreatment; it will be proper in that case that you should stop such witnesses from travelling out of the allegations contained in the indictments, because the charge would then become capital, and the evidence of slaves in a *capital* offence is inadmissible by law against the master or the person having their immediate direction.

Vide Note ad finem.

"You will also receive an indictment against Mr. Cousins, the manager of Brazier's estate, charging him with whipping and beating certain slaves of that estate without reasonable or sufficient grounds.

"This indictment is grounded on the Amelioration Act.

"I have already noticed, gentlemen, that much misrepresentation has got abroad respecting the greater part of the transactions which will to-day be laid in evidence before you. I confess I am not sorry that some space of time has elapsed between the commencement of proceedings against the parties and the present period; the evils of delay are often more than counterbalanced by the opportunity it affords of tranquillizing the public mind, of allaying irritation, correcting errors, removing false impressions, and discovering the truth. In order that the steps of justice may be sure, she must sometimes proceed slowly.

"It is seldom, gentlemen, that you have had a case before you where the advantages of which I have just spoken as incident to delay were more justly needed than in the case of Mr. Walley. We are all aware that a considerable excitement has existed on the subject of the deeds which have been laid to his charge; the public also was for a time much abused by innumerable false and distorted reports. Under these circumstances, the most dispassionate and pure of human kind could hardly have come into Court with a mind perfectly free from prejudice and bias; but I earnestly hope, gentlemen, that such influence has ceased to exist.

"The respectability of the Grand Jury which I have now the honour to address, is a sufficient guarantee for the rectitude and impartiality of their investigations; but with an impartial mind, it is equally essential and necessary that you take with you an accurate knowledge of the nature and extent of the functions of a Grand Jury. I have reason to believe that there is much misconception abroad on this subject. A Grand Jury is a jury of accusation, not a jury of trial. A Grand Jury has nothing to do with the innocence or guilt of the party; its duty is merely to investigate whether there be sufficient and probable grounds to accuse him of guilt. As the evidence which is laid before a Grand Jury is only on the part of the Crown, and is purposely so ordered that all consideration of guilt or innocence of the party may be put out of the question, it is manifestly impossible that a Grand Jury can perform any part correctly but that of declaring whether there be sufficient grounds to call upon the party to answer to an accusation. This is the doctrine laid down in all books of authority upon this subject. Mr. Justice Blackstone, in treating of the duties of a Grand Jury, says:

"The Grand Jury are instructed in the articles of their inquiry by a charge from the judge who presides upon the bench; they then withdraw to sit and receive indictments which are preferred to them in the name of the king, but at the suit of any private prosecutor, and they are only to hear evidence on behalf of the prosecution; for the finding of an indictment is only in the nature of an inquiry or

accusation

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accusation, which is afterwards to be tried and determined, and the Grand Jury are only to inquire upon their oaths whether there be sufficient cause to call upon the party to answer it.' " 4.—303.

" Nothing can be clearer than this in describing the functions of a Grand Jury. Sir M. Hale too, one of the best and wisest Judges who ever sat on the bench of justice, is equally precise. (*Vide* 2 Hale, P. C. 157). A just discrimination should nevertheless be observed between requiring evidence on the one hand, not merely sufficient to accuse, but even to convict the party, and on the other hand, sending him to his trial upon little or very trifling testimony. Such a manner of proceeding would be equally erroneous with the former."

" Blackstone observes, (4—303), 'A Grand Jury ought to be thoroughly persuaded of the truth of an indictment so far as their evidence goes, and not to rest satisfied merely with remote probabilities.'

Mr. Baron Vaughan,
at the Suffolk Lent
Assizes, 1830.

" And upon a late occasion in England a learned Judge, when addressing a Grand Jury, cautioned them not to find any bill upon unsatisfactory evidence, thereby, to use his own somewhat quaint expression, 'converting a bill of indictment into a bill of indemnity;' and sending a party to his trial upon evidence so insufficient as must ensure an acquittal, when, perhaps, a fuller investigation would have abundantly proved his guilt.

" It is needless to accumulate more authorities on these points; but it is exceedingly important that they should be rightly understood. Your duties to-day, gentlemen, are more than ordinarily arduous and important, and I will no longer delay you from entering upon them."

(signed) *George Webbe.*

Note.—The bills for murder in the case of Bolam, and misdemeanor in the case of Frances, against Mr. Walley, and for a misdemeanor against Mr. Cousins, having been ignored by the Grand Jury, indictments for manslaughter and misdemeanor in the case of Bolam were sent up to them and found; and on the following day (June 2d) a bill for manslaughter in the case of Innes (which had recently been prepared) was laid before the Grand Jury, and returned a true bill: these circumstances will account for no notice of this latter bill having been taken in the charge to the Grand Jury on the day preceding, and for the directions given by the Chief Justice, in page 35, relating to the testimony of witnesses, no intention having then been entertained of preferring a charge of manslaughter in the case of Innes.

Enclosure 18, in No. 3.

NEVIS.—In the King's Bench and Common Pleas.

The Honourable George Webbe, Chief Justice; the Honourable Finlay Nicholson, the Honourable and Reverend J. H. Pemberton, the Honourable and Reverend H. J. Leacock, Assistant Justices.

The King *v.* Walley.

June 16, 1830.

John Walley, late the manager of Stapleton's estate, was indicted for manslaughter, in having caused or accelerated, by several severe floggings on the 13th October 1828, the death of Innes or Eneas, a slave of that estate.

When the first witness (Thomas Browne, a slave,) was called on the part of the Crown, the prisoner's Counsel objected to him on the ground of incompetency, averring that the death of Innes the deceased took place at a period antecedent to the passing of the Act of the Island which admitted the testimony of slaves; and that by a provision contained in that Act, no slave could give evidence relating to any transaction which took place prior to the date of its passing, (October 10th, 1828). Some discussion took place as to the best mode of proceeding in the case; it was ultimately decided by the Court that the trial should proceed in the usual way, and if it should appear at any time in the progress of the trial that the date of Innes' death should be so ascertained as to render the slaves incompetent witnesses, the Court in summing up would direct the jury to reject their evidence accordingly.

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The witnesses for the Crown, who were all slaves, left it quite uncertain at what point of time the death of Innes took place, and were very discordant in their testimony in this respect; one stating it to have happened in March, another in November or December.

ST.
CHRISTOPHER.

The case for the Crown having been closed, five of the prisoner's witnesses in succession satisfactorily proved the death of Innes to have happened on the 12th July 1828, thereby rendering the slaves who had given evidence for the Crown incompetent witnesses.

The prisoner's counsel were proceeding in examination when the Court suggested that as Innes's death was now clearly proved to have taken place anterior to the period to which the evidence of slaves was admitted by law to refer, and as all the witnesses against the prisoner were slaves, it was needless to proceed any further in the case. To this suggestion the counsel for the Crown agreeing, Webbe, C. J. stated to the jury, that as all the witnesses against the prisoner were incompetent to give evidence as to the issue before them, the prisoner was of course entitled to an acquittal. The jury immediately returned a verdict of Not Guilty.

Note.—Mr. Attorney-General directed a *noli prosequi* to be entered as to the indictments for a misdemeanor in the same case.

(signed) *George Webbe*, Chief Justice.

The Attorney-General, the Solicitor-General, and Peterson, King's Counsel, for the Crown.

Smith, King's Counsel, Piguinet, King's Counsel, and S. Pemberton, for prisoner.

Enclosure 19, in No. 3.

Nevis.—In the King's Bench and Common Pleas.

The Honourable George Webbe, Esq. Chief Justice; The Honourable Finlay Nicholson, Esq., the Honourable and Rev. J. H. Pemberton, the Honourable and Rev. H. J. Leacock; assistant Justices.

The King *v.* Walley.

Jurors;—Jos. W. Young, Overseer; F. Brown, Overseer; John Huggins, Planter; Robert Shephard, the President's Coachman; John Smith, Blacksmith; Henry Dawson, Manager; Othniel Catlen, Shoemaker; Ch. Canies, Manager; Ben. D. Aumy, Overseer; Geo. Cousins, Manager; Wm. Lyons, Overseer; Michael Maillend, Overseer.

June 17th 1830.

John Walley, the prisoner, indicted on the preceding day for manslaughter, in the case of the slave Innes, was this day indicted for manslaughter, in having caused the death of Bolam, a slave on Stapleton's estate, by forcing him out to labour when suffering under a severe ulcerated sore leg, whereby the ulcer became incurable, his health was destroyed, and he died. And for not having provided him with such sufficient and proper nourishment and support, as a person in his condition ought to have received.

Mr. Peterson, King's counsel, opened the case for the prosecution, and stated the law to the jury. The following witnesses were then called,

Lujer is a slave on Stapleton's estate; knew Bolam, who is dead; believes he died last year, but does not know in what part of the year, late or early; he died of a sore leg; he was off and on in the sick-house; when he went out of the sick-house (the time he was ordered out by Mr. Walley) his leg was not healed, it was getting better; he came back worse than when he went out; the sore was very bad indeed, situated on the inside of the leg; when he went out she heard Mr. Walley order him to cut *cashaws*; after he had returned and was in the sick-house, he was not provided with the nourishment which the doctor directed; the doctor ordered good nourishing diet, which he did not receive at first; the last time he was in the sick-house he was there more than a month, and before that he was out of the sick-house more than a month; he was sent out contrary to the doctor's directions; he died in the sick-house, where witness saw him dead.

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Cross-examined

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Cross-examined.—Cannot say when he died ; he had been ill a long time before he died ; the last time he was in the sick-house he was there about a month ; he did not have good nourishment directly ; the doctor ordered it a month before he got it ; he did not get it until he was unable to use it ; cannot say exactly when that was ; do not know whether the doctor ordered any *particular* diet ; Mr. Walley did not order the witness to give Bolam any particular nourishment ; she does not recollect that any other person carried any to him ; she never heard any noise about nourishment not being given ; she ought to have known if any body else gave Bolam any nourishment ; nourishment could not have been given without her knowing it ; (when hard pressed on this point, the witness at last said “ she was not quite sure of that ; ”) the charge of the sick-house was not taken from her ; she never was ordered to leave the sick-house ; she was threatened by Mr. Walley, but it was because she was not strict enough in keeping the door locked ; she means that Mr. Walley thought the negroes were coming to the sick-house too often when the doors were left open ; her employment was about the yard and the sick house ; Elizabeth England saw Bolam when sick ; his leg was bad many years ; his leg was not made worse by his getting out of the sick-house when the doors were open ; is sure of that.

Re-examined.—The reason she was scolded by Mr. Walley was for not keeping the sick-house door shut ; she left them open by day.

Dr. Mills.—Attended the sick at Stapleton’s estate in 1829 ; remembers Bolam ; he had him under his care from the time he first went there ; his complaint was a very badly ulcerated leg ; Mr. Walley thought it must be cut off, but witness expected to make a cure ; without his knowledge Bolam was ordered to go out to work ; does not remember when he was so sent out ; the first entry of his name in the sick-house book is April 11, 1828 ; there was nothing in the state of his constitution, or the appearance of the leg, which would prevent a cure from being effected ; the ulcer was perhaps as large as the book which he held in his hand (12 or 13 inches long,) but he afterwards reduced it to the size of his three fingers ; the leg was healing very rapidly ; the last time Bolam was in the sick-house his leg was very bad indeed, his constitution shattered, and his condition most miserable ; referring to the entry made in the sick-house book, he finds that he ordered nourishing diet ; the last entry of his name is August 31, 1829. Witness had no *particular* communication with Mr. Walley relating to Bolam. In the beginning of 1829 a difference existed between Mr. Walley and witness ; Mr. Walley said that witness appeared to wish to take the entire direction of the estate into his hands ; witness answered, that he expected to have the control of the sick, for them he was responsible ; to which Mr. Walley replied, that ~~he~~ was the only responsible person on the estate. Witness still continues to attend the estate ; is not aware that he ordered any particular medicine for Bolam while the cure of his leg was in progress ; Bolam was a strong, hale man, and did not require any ; when he returned to the sick-house in August, witness told Mr. Walley that nothing could be done for him ; knows that he died before December 1829 ; witness had ordered good nourishing diet ; does not think it was given to Bolam from his general state and condition ; believes that if Bolam had been kept in the sick-house he would have been cured ; any work or labour would have retarded the cure ; sometimes gentle exercise is good for ulcers ; cannot state the exact date of Bolam’s death ; cannot say of his own knowledge that he was *ordered* to work, but if he had been allowed to remain in the sick-house he would have been cured ; at first the ulcer was the only complaint he laboured under, which would have been very well soon.

Cross-examined.—On the estates which witness attends, ulcers are never dressed by the old negroes with his concurrence ; the state of Bolam’s health latterly prevented anything being done ; dropsy was not occasioned by the ulcer alone, because the leg would have been well had he remained in the sick-house. Dropsy on Stapleton’s estate is a very common disease, many negroes die from it ; witness never remarked any inattention on the part of the nurses of that estate ; nourishing diet could certainly only have prolonged life ; does not *know* that Bolam *did* not receive nourishment ; has seen Mr. Walley take out wine and porter and send it to the sick-house ; when witness visited the sick-house neither Mr. Walley nor any of the overseers went with him ; witness consequently could make no inquiries ; his visits were not on regular days ; Mr. Walley was frequently at home when witness called and saw the sick, but he did not ask Mr. Walley to visit them with him.

Re-examined.

Re-examined.—Sending Bolam out to his work might have been one of the causes of his dropsy. Cutting cashaws is a mode of work rather hard; not unfit, perhaps, for Bolam when his ulcer was small, but afterwards would have been decidedly unfit.

Martin, a slave on Stapleton's estate.—Knew Bolam, who is dead; does not know when he died; before he died worked under witness, preparing ground for digging cane-holes. Upon one occasion Mr. Walley flogged Bolam; witness and Bolam were cutting cashaws for the still; afterwards Bolam cut cashaws alone, about a month and a half before he died; it was last year.

Cross-examined.—Witness and Bolam were together two months cutting cashaws; after that Bolam continued that work alone, about a month before he went into the sick-house; cannot recollect how long he was in the sick-house. When they were working together, witness sometimes sent Bolam to wash the blood from his foot which proceeded from the ulcer.

Evidence for the Defence.

George Walters.—Is a millwright; works on Stapleton's estate sometimes two months, sometimes one month; knew Bolam, saw him in March or April 1829 on the estate, making mats; this is easy work, very light work. In December 1827 he saw Bolam; he was then minding the pine-garden. In 1828 he saw him; he was then unfit to do any work, he had charge of some little negroes, and witness saw him bring them to the boiling-house to have some hot liquor; witness never saw him at that time doing any thing else. Saw him once in 1829, in March or April; does not know what became of him after.

William Huggins.—Lived on Stapleton's estate as overseer, from March 1st to December 6th, 1829; knew Bolam, who is dead; he died the latter part of September or the beginning of October 1829; he seemed sickly; had a large ulcer on his leg: his labour was easy, sometimes making mats, then cutting brushwood for the still, not *standing* wood: witness does not think he ought *not* to have been so employed. Witness visited the sick-house ordinarily in the morning. Bolam went to the sick-house in August, complaining of his leg; witness saw the sick-nurse dressing his leg; never saw her administer nourishment to him. Witness dined sometimes with Mr. Walley; did not hear him order nourishment for the sick *every time* he dined with him. Bolam went into the sick-house in August, and never came out after. Witness saw Bolam often between March and August, but not at the times they were grinding; no ill-treatment ever came to his knowledge.

Elizabeth England.—Knew Bolam four years ago; she went to Stapleton's about that time. Bolam died last year, in the middle of the year; he had an ulcer on his leg: he was a watchman, and continued so till he went to the sick-house. The first time he came to the sick-house he desired witness to ask Mr. Walley to let him out; Mr. Walley said he had better stay there; afterwards Mr. Walley gave him five negroes (little) to take care of, which afterwards were given to his wife. Bolam then went down and cut brush for the still, became sick, and was put in the sick-house: a long while before he died he wanted to come out, and sometimes walked about. Witness visited the sick-house often; Lujer did not attend properly to the sick: witness attended Bolam herself; Lujer also attended him; witness did so because Mr. Walley thought the negroes were not regularly attended to. She is sure that Bolam had nourishment; she saw it given to him.

Georgiana Nicholson.—Knew Bolam, who is dead; knew him a long time, he was in the sick-house two months with a sore leg; witness carried nourishment to him, soup, &c., during the two months he was taken care of; nourishment was given to him.

William Huggins recalled.—Heard Mr. Walley repeatedly find fault with Lujer because she did not attend to the sick; has seen her thump the sick people.

Cross-examined.—Saw Lujer thump the sick people, but never mentioned it to any one.

Memorandum:—The Chief Justice in summing up concluded his charge to the jury with the following observations:

* * * * *

I have already stated, Gentlemen, that this is a very important case, and the importance chiefly, or in great part, arises from the peculiar relation which exists in this country between master and slave; the eyes of thousands, Gentlemen, are

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CHRISTOPHER.

at this moment on you, and are watching with indefatigable attention the events of this day: I feel, therefore, that I am authorized, and that it is doubly necessary to impress upon you the momentous importance of your decision upon the case which is now in your hands. In the emphatic words of a venerable Judge (Lord Eldon) I say to you, "Be just and fear not; let not the fear of censure or hope of praise induce you to depart from the straight path of your duty. Be mindful of your oath, regardless of consequences; and setting aside the consideration of all things but your duty, direct your minds to a dispassionate and cool investigation of the evidence, desiring nothing but the approbation of your own consciences, fearing nothing but the deep reproach and disgrace of an unjust or partial verdict."

The jury retired, and in about 25 minutes returned with a verdict of *Not guilty*.

Note:—Mr. Attorney-General directed a *noli prosecute* to be entered as to the indictment for a misdemeanor in the same case.

(signed) *George Webbe*, Chief Justice.

The Attorney-General, the Solicitor-General, and Peterson, K. C. for the Crown, Smith, K. C., Piguinet, K. C., and S. Pemberton, for the Prisoner.

Enclosure 20, in No. 3.

RETURN of the Increase and Decrease of the Slaves belonging to the Stapleton Estate in the Island of Nevis, from the 1st of January 1828 to the 30th of June 1830; two Years and a Half.

Number of slaves on the 1st January 1828	-	-	227
Add births	-	-	7
			<hr/>
			234
Deduct deaths	-	-	44
			<hr/>
Remaining 30th June	-	-	190
			<hr/>

St. Christopher, 6th July 1830.

— No. 4. —

COPY of a DESPATCH from Governor *Maxwell* to Secretary Sir *George Murray*, dated 7th July 1830, with 17 Enclosures.

Sir,

St. Christopher, 7th July 1830.

THE almost invariable failure of bills of indictment for maltreatment of slaves, preferred to the Grand Jury of the Island of Nevis, has induced me to call for the enclosed copies of all the bills that have been framed from the 1st January 1825 to the present date; and of the examination before the magistrates upon which these bills were drafted: they are twelve in number; eight have been ignored, and four have been found.

The very strong and circumstantial evidence sent before the Grand Jurors has always been sufficiently conclusive to satisfy impartial persons of the presumptive guilt of the accused, but which, in several cases, has been totally disregarded, and the arraigned offenders have escaped with impunity.

I consider the decision of the Grand Juries in these cases to have been founded upon an erroneous conception of their duty; and that by thus quashing the prosecutions, their merits have escaped being examined before a Petty Jury, in the presence of which the truth of the accusation would be thoroughly sifted, and brought before the Public.

I have also enclosed a letter from Mr. King's Counsel Peterson, who framed the several bills of indictment, and which will elucidate them.

This painful experience of the apparent indisposition of the Grand Juries to fulfil their important duty has induced me to direct the Attorney-General, in all future cases

Transmitting documents,
numbered from 1 to 17.

cases of maltreatment of slaves in the Island of Nevis, to file ex-officio informations, which measure, for similar reasons, will be adopted in this Island and Tortola, unless I receive your instructions to the contrary.

ST.
CHRISTOPHER.

I have the honour to be, Sir, your most obedient servant,

(signed) *Cha. W. Maxwell.*

To the Right Hon. Sir Geo. Murray, G. C. B.
&c. &c. &c.

P. S.—I beg also to refer you to the despatch of the 10th June 1828, from Mr. President Rawlins, transmitting the official proceedings which took place at Nevis in the case of Dr. Caines, for the murder of the slave George Brown.

Enclosure 1, in No. 4.

Sir,

Nevis, 2d July 1830.

IN compliance with your Excellency's directions to supply you with succinct explanatory notices on the several cases of alleged maltreatment of slaves, which have been brought before the Court of King's Bench and Common Pleas of this island by bills of indictment, from the 1st January 1825 to the present period, I have the honour to submit the following remarks, which I may with the greater propriety make as brief as possible, since the Clerk of the Crown has been required to furnish you with office-copies of those bills of indictment, and of the magisterial examinations upon which they were framed.

The King *v.* Hodson, for maltreatment of Bitchey, 1st March 1825, ignored.

——— *v.* Beard, for exceeding the number of 10 stripes, limited by Act, No. 288, cl. 5, 1st March 1825, ignored.

Both the defendants in these two cases are dead; and as I have been able to furnish the Clerk of the Crown with the magisterial examinations and correspondence in the first, and as the charge in the second was extremely simple, and, if I recollect right, founded on oral information of Mr. Justice Gordon, any comment is the less expedient: it may be noted, however, as a fact, that immediately after the last bill of indictment had been thus disposed of, Beard was raised from an *overseer* to the designation of a *manager*, which was calculated to take him out of the operation of the Act on this point.

The King *v.* Wolfe, for the Maltreatment of Harriet Sampson or Harriet Knight, 3d April 1827, ignored.

The report of the examining Magistrates was originally laid before me by the late Mr. President Mills, since deceased; and upon a consideration of the suspicious character of Harriet's statement, compared with the evidence of Mr. Amory, and above all with the extraordinary determination of the magistrates in awarding further punishment to the complainant after the allegation of her maltreatment, I came to the conclusion that a prosecution under such circumstances would be inadvisable, and expressed an opinion to that effect to the President. His Honor, however, referred the matter to the late Mr. Attorney-General Woodley, who, thinking that there were sufficient grounds for sending the case to a Grand Jury, supplied the draught of a bill of indictment, which we afterwards adopted with little alteration. It is to be noted that at this period, 1827, the evidence of slaves, in the case of white or free persons, was wholly inadmissible; and I must acknowledge that the transactions here disclosed impressed me most deeply with a conviction of the *necessity* as well as the *danger* of the unrestricted admission of slave evidence in all cases whatever; while at the same time I could not discard from my mind the recollection of an artful accusation made by an Egyptian woman of rank, recorded in Holy Writ, and not inapplicable to this; some truth in both. Regardless, how-

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ever, of any other consideration than the zealous performance of my duty, I omitted no exertion to put the case fully and fairly before the Grand Jury. The result speaks for itself.

The King *v.* Walley, for murder, in the case of a slave named Davis, 1st May 1827, ignored.

Ditto - ditto - for manslaughter - ditto - ditto - ditto - ditto.

As copies of the examinations before the Magistrates in this case will have been transmitted by the Clerk of the Crown, it is not requisite, I apprehend, that I should add any observation, except that as the Grand Jury thought fit to ignore the two bills of indictment upon the evidence of such respectable witnesses as most of those men whose names appear on the bills, and yet made no presentment, I deemed it worse than labour in vain to pursue the matter further; and I did not prefer a bill of indictment for maltreatment.

The King *v.* Walley, for murder, in the case of Bolam, 1st June 1830, ignored.

Ditto - ditto - for manslaughter - - - ditto - - - found.

Ditto - ditto - for maltreatment of ditto - - - - - found.

Ditto - ditto - for the maltreatment of Frances, 1st June 1830, found.

Ditto - ditto - for manslaughter, in the case of Innes, 2d June 1830, found.

Ditto - ditto - for maltreatment of ditto - - - - - found.

I approach the notice of these most lamentable cases with sensations quite suitable to the atrocities described in the voluminous and protracted examinations taken by the magistrates of, alas! too many incompetent witnesses; but as your Excellency will have received from other sources full official information of the whole of these proceedings, from the commencement of them to the termination of the trials, I presume that I shall most effectually meet your wishes by referring to those, and to some of my former communications, and by afterwards confining myself to a very few points; and this course will have the advantage, I submit, of not being obnoxious to the imputation of *after-thought*. Allow me then to request your Excellency to revert to my communications on this subject under the following dates: the 8th March, and 2d and 7th April last. It doubtless will not have escaped your Excellency's observation, that the *whole* of the ordinary Justices named in the general *Commission* of the Peace, *except myself*, were directed to associate upon this occasion in the first instance. Mr. President Maynard has since informed me, that this was done in order that it should not be said a partial selection of magistrates had been made for the purpose; but the omission of my name, though the *first* inserted in the commission after that of the Solicitor-General for the time being, and of every official call or notification whatever, until *after* your Excellency had recommended "*the King's Counsel*" to be retained with "*Mr. Solicitor-General*," have not been explained, and I deem it *infra dignitatem* to inquire into it; but I conceive it to be right to state that, in order that my non-interference until a late stage may be accounted for, that it had been intimated to me these omissions were by design, arising from a kind of unworthy suspicion or distrust, and a feeling which it would be unbecoming in me to express, excited by the knowledge that I had been mentioned by the Commissioners of Legal Inquiry in terms of commendation, and that my official conduct had been occasionally noticed with satisfaction by the Secretary of State; I therefore naturally, and I trust not improperly, determined to keep myself in reserve.

The King *v.* Cousins, for the wanton maltreatment of two slaves, 1st June 1830;
"no bill; frivolous and vexatious."

Having recently submitted to your Excellency a full statement of this case, and of the unauthorized, unwarrantable, and unmerited treatment of the Crown lawyer, on the occasion in my communication of the 4th ult., I doubt not you will consider the whole to be too clear to require any further illustration; and as in all probability the erring parties will in due time be visited with proper chastening, I conceive it only remains for me to add, that having referred to Mr. Justice Galpine and Mr. Justice Ede, who took no minute of the examination before them, they have confirmed

firmly to me the representation of their view of the case which I had made to your Excellency; and that if I possessed the power of the Attorney-General, I would without hesitation, notwithstanding the opinion of the gentlemen of the Grand Jury, file an information *ex officio* against the offender.

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CHRISTOPHER.

With all deference and respect, I have the honour, &c.

(signed)

Jno. Peterson,

Sen^r King's Counsel.

To his Excellency Governor Maxwell, c. B.
&c. &c. &c.

Enclosure 2, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Lord the King, upon their oath, present that Thomas Hodson, late of the parish of Saint Paul, in the said Island of Nevis, planter, on the fourteenth day of August, in the fifth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, at the parish aforesaid, in the island of Nevis aforesaid, in and upon a certain negro woman slave named Bitchey, belonging to the estate or plantation called Ward's, in the said island of Nevis situate, did make an assault, and her the said negro woman slave named Bitchey, then and there did beat and whip; and the said Thomas Hodson, the director of the said negro woman slave named Bitchey, then and there being, her the said negro woman slave named Bitchey, then and there being under his the said Thomas Hodson's care, with handcuffs in the stand-up stocks, in a room called the sick-house, on the estate or plantation aforesaid, at the parish aforesaid, in the island of Nevis aforesaid situate, did imprison and confine for and during a long space of time, to wit, from the hour of five of the clock in the afternoon of the said fourteenth day of August, in the year aforesaid, until the morning of the sixteenth day of the same month of August, in the year aforesaid; and so the jurors aforesaid, upon their oath aforesaid, do say that the said Thomas Hodson, her the said negro woman slave named Bitchey, at the time and parish aforesaid, in the island of Nevis aforesaid, in manner and by the means aforesaid, did cruelly maltreat, against the Act of the General Council and General Assembly of the Leeward Charibbee Islands in America, in such case made and provided, and against the peace of our said Lord the King, his Crown and Dignity.

(signed)

John Peterson,
Senior King's Counsel.

(A true Copy)

Thos. Slater,
Sec^r and Clerk of the Crown.

Enclosure 3, in No. 4.

Sir,

Nov. 1st, 1824.

I BEG leave to enclose you some papers which have just been sent me relative to the examination of Mr. Hodson, and I must observe I think it strange that they have been sent to me, as I had given you a general order to prosecute whenever you thought there were sufficient grounds for so doing.

I have the honour to remain, Sir,

Your most obedient humble servant,

(signed)

Walter Maynard,

To John Peterson, Esq.
King's Counsel, &c. &c. &c.

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CHRISTOPHER.

Court House, Nevis, 21st August, 1824.

THE following Magistrates having taken their seats, viz.

William Pemberton, Thomas Liburd, George Bucke, Lockhart Gordon, jun.
and John Burke, Esqrs.

Thomas Hodson, manager on the estate of the late John Warde, sworn; says, that last Friday fortnight witness was ill in bed, when Bitchey, and another negro, named John Tongue, came to him about eight o'clock in the evening, and asked for cains and withs, and the following day, to thatch their houses; witness sent word to them that he had no cains cut, and should therefore not give them the Saturday. John Tongue immediately went away, but Bitchey continued, grumbling and talking, and did not go away. Witness again sent, and desired her to go away; that she should not alter his determination; she (Bitchey) went to witness's bedroom window, and continued grumbling and talking for a considerable time, to which conduct witness made no reply. In the evening the driver informed witness that Bitchey had been very abusive in the field; that she would not obey him in the least; that the gang, but particularly her sister Louise, told her to be quiet; that she ought to be ashamed of herself; that she, Bitchey, had used all kinds of curses; not only on him, the driver, but upon the gang, and then commenced fighting with her sister Louise: the driver finding that he had no authority over her (Bitchey,) sent for the overseer, Mr. Beard; the overseer came into the field and asked her what she was making a row about; she replied, "humph, who are you? you are not my *not my* master; Mr. John Warde is my master." The overseer having on the Friday threatened to flog her for bad conduct in the field, he could no longer permit her to go on in such conduct, and gave her two dozen with a tamarind switch. Witness here alludes to her conduct on the Saturday week following, to her coming to him to ask for cains, withs, and the Saturday; and he here observes, that he has omitted to state that Bitchey absconded on the Friday evening, on which she came to witness, and he saw nothing of her until the Monday, when Mr. James Maynard brought her home. When Mr. Maynard brought her home, witness asked her if she had not been to Mr. Peter T. Huggins, the attorney for Warde's estate; she replied, "No; I have never spoken to him; you have never given me any cause to make a complaint:" witness felt confident that she had been to Mr. Peter T. Huggins, and therefore ordered her to be confined until he, witness, ascertained the truth. On the Saturday fortnight (this day week, the 14th instant,) after the overseer had flogged her she was more impudent; the overseer then sent her from the bath up to the mountain, where witness resides; witness ordered her to be put in handcuffs, which handcuffs are at the sick-house at Pains, until he could ascertain what her conduct had been; she told the man, Mickie, (who had charge of her,) that she would not be put into the handcuffs; he (Mickie) therefore sent to witness, who went over and asked her if she would obey him; she replied, "she would not have her hands in the handcuffs;" witness told her "he was very determined, and that if she did not obey him quietly, that he should be obliged to punish her, but that he did not wish it, if she would put her hands in the cuffs." Witness then ordered her to be tied up, and gave her fifteen lashes with a cat. Witness then asked her if she would put her hands into the cuffs; she said "she would put one." Witness ordered her to be immediately untied; she threw herself on her back, and said "she was fainting, and could not walk." Witness ordered her to be carried to the sick-house, where he gave her some water, and being confident that she was not any ways fainting, witness again reasoned with her, and endeavoured to persuade her that she was acting wrong. Finding that she still remained obstinate, witness ordered the men to put her hands into the handcuffs; she then doubled her fists, and struggled very hard to prevent them from putting her hands into the handcuffs; on being put into the handcuffs she threw herself back, and called upon the by-standers to call Mr. Peter T. Huggins. On the following day (last Sunday) witness went to see her, and found one of her handcuffs a great deal too large; she could take her hand out at pleasure; she was sitting on a stool, and appeared much in the same manner as the day preceding; witness says that he therefore gave the key of the stocks to the person (Frankey Craddock) in charge of the sick-house, with orders to let her out occasionally, if required. On Monday morning she was released, and ordered to go to her work, soon after turn-out hour, which she did, and on Wednesday she came to the Magistrates (Mr. L. Gordon and Mr. John Burke,) and lodged

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lodged a complaint; the Magistrates ordered her to her work, and not to come with frivolous complaints, which order she did not comply with, but went to the Rev. Daniel G. Davis, who called upon Mr. Gordon the following morning, and requested that he would inquire further into the matter; in consequence of which Mr. Gordon rode up to the sick-house in the mountain to see the manner in which she had been punished; after seeing the hand handcuffs, he told her that she had behaved very ill, and recommended her to go to her work, and that he would intercede with witness to forgive her; witness replied, that having had a great many runaway negroes lately, it was requisite an example should be made, and that she had, as witness understood, that morning, in passing the gang, waved her hands over her head, and called out "that she had got Mr. Lockhart Gordon to follow her to the mountain to see where master hang a'we;" witness in consequence requested Mr. Gordon to call a meeting of some of the magistrates, who are planters, to investigate the matter; witness on being reminded by Mr. Gordon that it was after they met in town that he stated to him (Mr. Gordon) what her conduct was in the morning on passing the gang, and it was then that he requested a meeting of the magistrates who are planters, he admitted that it was so.

Witness after he went to live on Warde's estates used the mildest means in his power to make the negroes attend to their duty; but finding that both flogging and footstocks proved very ineffectual, and that they were daily insubordinate, witness applied to Mr. Peter T. Huggins, the attorney, for some other mode of punishment, and he recommended witness to try the handcuffs, which were used upon the present occasion, and which is after the method established at Trinidad, as witness understands.

Cross-examination.—Witness says that Bitchey was put into the handcuffs on the Saturday, between the hours of four and five o'clock, P. M.; the key of the handcuffs was in the possession of witness from the time Bitchey was put into them until six o'clock that evening, when the sick-nurse came for it. Witness says that he went to the sick-house on the Sunday morning; the sick-nurse asked permission to let Bitchey out; witness replied, she might do so if she could secure her again, and witness believes that Bitchey was let out, but does not know it of his own knowledge. Witness being asked if she could sleep during the time she was in the handcuffs, replied that she probably might if she was sleepy. The attorney, Mr. Peter T. Huggins, was not acquainted with the confinement of Bitchey until the Tuesday morning after the confinement. Bitchey has given witness a great deal of trouble since he has lived upon the estate, and requests that Mr. A. Wharton and Mr. Jos. Nicholson may be called to speak as to her character. Mr. Lockhart Gordon recommended witness to discontinue the stocks in which Bitchey was confined. The manner in which Bitchey was confined was not mentioned to Justices Burke and Gordon when she complained upon the Wednesday. Witness only confines the most refractory negroes in the kind of stocks in which Bitchey was confined.

Court House, Nevis, 28th August 1824.

Present,

William Pemberton, George Burke, Lockhart Gordon, jun. and John Burke, Esqrs.

The examination of Thomas Hodson resumed; and having been again sworn, says, that about seven weeks ago he had six negroes run away at one time, and that the only punishment inflicted upon them was flogging and locking up at night, and none of them were put into the handcuffs, neither would witness have used them upon the present occasion had he not considered it absolutely necessary for the well-conducting the estate. The witness states, from what he knows to be the discipline in the army, that a similar crime as that which Bitchey was guilty of would have been punished with death: all that this witness required of Bitchey was to beg pardon, and promise to conduct herself with obedience for the future, which she refused to do. During the present week no less than nine of the negroes have absented themselves from their work; some for one, two and three days; two of them are still absent without any cause whatever, to the best of witness's knowledge. Witness says, that he did not send any food for Bitchey during her confinement; says, that he issued her allowance on Friday, a quart of corn-meal and a herring, which was to last her till the following Tuesday.

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Thomas

ST.
CHRISTOPHER.

Thomas Hodson,—My brother Justices and I are sorry that you should be brought before us on a complaint like the present; you certainly are culpable in not seeing the woman Bitchey (as you confined her) properly fed; and we think that you have acted in a very unwarrantable, if not an illegal manner, in confining the said woman in the standing-stocks from Saturday afternoon until Monday morning: we therefore leave the matter in the hands of the King's Counsel, to act as the law in such case directs.

Wm. Pemberton, Sen' Justice.

A true copy.

Thos. Slater, Secry. and Clerk of the Crown.

Enclosure 4, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE Jurors for our Lord the King upon their oath present, that John Beard, late of the parish of Saint Paul, in the said island of Nevis, plantation overseer, on the 14th day of August, in the fifth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the united kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the island of Nevis aforesaid, in and upon a certain negro woman-slave named Bitchey, on the plantation called Ward's, at the parish aforesaid, in the island of Nevis aforesaid situate, did make an assault, and her the said negro woman-slave named Bitchey then and there did beat, flog and whip; and that the said John Beard then and there with and by means of a certain tamarind switch, which a certain negro man slave, being the driver of the said plantation, then and there in his right hand had held and exercised by and under the orders and directions of the said John Beard, did cause the said negro woman slave named Bitchey to receive more than 10 lashes, to wit, 24 lashes at one time and for one offence, the owner, the attorney, the guardian, or the manager of the said estate having such slave as aforesaid in his care not being then and there present, against the Act of the Legislature of the said island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

Jn. Peterson, Senior King's Counsel.

A true copy.

Thos. Slater, Secry. and Clerk of the Crown.

Enclosure 5, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Lord the King, upon their oath, present that Edward Thomas Wolfe, late of the parish of Saint John, in the said island, Esquire, on the twenty-fifth day of September, in the seventh year of the reign of our sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, at the parish aforesaid, in the said Island of Nevis, with force and arms did assault Harriet Knight, a slave, otherwise called Harriet Sampson, then and there being a slave, under the direction and care of the said Edward Thomas, and the said Edward Thomas did then and there cruelly whip, maltreat and beat her the said Harriet Knight otherwise called Harriet Sampson, so then and there being a slave, under the direction and care of the said Edward Thomas, against the form of an Act of the Commander-in-Chief and General Council and General Assembly of the Leeward Charibbee Islands, in such case made and provided, and against the peace of our said Lord the King, his crown and dignity; and the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, that is to say, on the said twenty-fifth day of September in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, the said Edward Thomas with force and arms did make an assault upon the said slave, Harriet Knight otherwise called Harriet Sampson, then and there being a slave under the direction and care of the said Edward Thomas; and her, the

after she had been calling a considerable time ; she went out and returned, and said to Mr. Wolfe, who was present " Yesterday morning, Sir, when I went out you came and opened my bag and my lodging, and searched it and took out my hair, was that like a gentleman ?"—He said, " You damned infernal bitch, I took out no hair, but what I wish to search I'll search." She said, " Sir you took it out ; but you cannot say you did not cut it off." Mr. W. said nothing, but went out.

ST.
CHRISTOPHER.

her
Harriet + Sampson,
mark.

Sworn before us the 25th September.

William Pemberton,
Thomas Tibard,

J. H. Pemberton,
George Webbe, jun.

Edward T. Wolfe, Esq. in defence saith, that on Thursday, the 7th instant, having returned home from town he heard Mrs. Wolfe speaking loud, and inquired what was the matter. Mrs. Wolfe replied, " it is really a shame ; I cannot go out for half a day but they make a negro-house of the place ; see what a mess this place is in." She asked Harriette, in his presence, " who made that mess ;" Harriette made no reply. She asked Charlotte, in his presence, the same question, who replied, " she could not tell." Mrs. Wolfe then said to Charlotte, " I'll make you clean it up, for you shall make those two little girls, Jane Flood and Jane Yard, keep the place clean." Charlotte replied, " it was hard for her to clean up what she did not do herself." Mr. W. then asked Harriette Sampson " who made the dirt ;" she turned her back and gave no answer. Afterwards he found some work on the steps of one of the bed-rooms ; he asked whose it was, and received no answer. Afterwards he said he would burn it, and thus find its owner. Harriette Sampson then said it was her's. Mr. W. then told her " she ought to have answered before," and gave her a slap with his hand. Mrs. W. requested him not to fret, but make one of the people take her down and give her a half dozen, which he did with a tamarind whip. Mrs. Wolfe ordered her out of the house that evening. On Saturday, the 9th, Harriette Sampson came to Mr. Wolfe and asked what she was to do ; he told her " she had offended her mistress, and must go into the field, or ask one of her young mistresses to intercede for her ;" she said, " she could not work in the field, nor could she go back to the house, for the people there did not like her." She was not, however, put into the field. Until the Friday following she was at large. On that day he desired her to go into the house ; she answered, " she could not ; she had rather go and work out, or do any thing else." He told her to go either into the house or the field ; she answered, " she would not go into the field, and that he should have a great deal of trouble with her." Afterwards he found her in the house working at her needle. Two or three days after, Mr. W. found fault with her for not doing her usual work ; she made no reply. She usually sleeps in the room with her two young mistresses, where Mr. W.'s youngest child sleeps ; she did not sleep there on Tuesday night, the 19th, and being asked on the morning of the 20th where she had slept, answered, " no where." Mr. W. repeated the question ; she then made no answer ; upon being asked again whose leave she had asked, she answered, that " she did not know whose leave she had to ask." Mr. W. then sent her into the field.

Sworn before us, this 25th September 1826,

Wm. Pemberton,
Thos. Tiburd,

J. H. Pemberton,
Geo. Webbe, jun.

Antony W. Emery being duly sworn, saith, that when Mr. W. went into the field with Harriette, a hoe was ordered for her, belonging to a man with yaws ; she said that she should not take the hoe ; Mr. W. had strength enough to snatch the yaws, but she had not. Mr. W. then told her that she should have her aunt's hoe ; she said she could not take her aunt's hoe, for then her aunt must sit down. He was then sent by Mr. W. for the smallest hoe he had ; the small hoe being presented to her by Mr. W., she refused to take it, saying she had no strength to work with it ; she refused, in fact, to touch it. Deponent advised her to take it ; she refused. Mr. W. being much provoked, ordered the driver and two other men to take her out and flog her ; she resisted. Deponent was called to come nearer ; he came, and Harriette said to him, " come nearer, you can't see good ; come and

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see what you want to see." After much struggling and bawling, she begged for some water, which was brought. Mr. W. then asked her if she would take the hoe ; she answered, " she would not, for she had no strength to work with it." Mr. W. said, Harriette, take the hoe and do what you can do ; she still refused. Mr. W. then called four women to flog her ; she was not, however, flogged, and was ordered upon the row ; she went on the row, but refused to touch the hoe. Mr. W. then told deponent to take care of her till he returned. Mr. W. then went away, and shortly returned with Mr. Liburd. Mr. W. and Mr. L. retired a little, and Mr. W. returning to the field, again desired her to take her hoe ; she again refused, saying, " she had no strength to work it." Mr. W. then sent her to the yard, and told her to carry her hoe from the field to the yard, which she refused to do. Mr. W. and deponent went up to the yard, where Mr. W. asked for the cat, which deponent brought from his room and gave to Thomas, who by Mr. W.'s order gave Harriette a dozen lashes on her shoulders ; she then was carried to the lock-up room.

A. W. Amory.

Sworn before us, this 25th September 1826.

Wm. Pemberton,
Thos. Tiburd,

J. H. Pemberton,
Geo. Webbe, jun.

The charges of maltreatment brought forward by the within named Harriette Sampson against E. T. Wolfe, Esq. being duly weighed, and this being the third accusation which has been laid and proved against the said E. T. Wolfe by the above complainant, Harriette Sampson, it is considered by the justices that the complainant be forthwith removed out of the possession of E. T. Wolfe, Esq. and placed in the custody of the Hon. and Rev. J. H. Pemberton, the rector of the parish, with the consent of the said rector, he giving security, himself in 100 *l.*, with one other surety also in 100 *l.*, for the forth-coming of the said Harriette, until disposed of by due course of law. And that the said E. T. Wolfe, Esq. be bound over, himself in 400 *l.*, and two good sureties in 200 *l.* each, to appear at the Court of King's Bench and Common Pleas to be holden in March next, or at any other time to be legally appointed, to take his trial for the maltreatment of the said complainant. It is also further considered, that the said complainant, Harriette Sampson, having been guilty of gross insolence and disobedience to the lawful commands of her master when ordered to work on the 20th and 21st September, thereby setting an example of insubordination to the slaves, be confined in the common jail for 48 hours only, in consideration of her having been already confined for five days, and received two severe floggings ; one of 12, and the other of 18 lashes.

September 25, 1826.

Wm. Pemberton,
Thos. Tiburd,

J. H. Pemberton,
George Webbe, jun.

(A true Copy)

Thos. Slater,

Secy and Clerk of the Crown.

Enclosure 7, in No. 4.

Nevis, April 9, 1827.

THE following evidence was taken before R. Claxton and L. Gordon, Esqrs., two of his Majesty's Justices, in the case of a slave named Davis, who died in the road from the field to the sick-house, or yard, on the estate of Lady Frances Stapleton, deceased, of which estate John Walley, Esq. is manager.

Richard Anderson, the overseer on the estate of Lady F. Stapleton, sworn ; says, On Tuesday the 23d March, the slave Davis was sent to the estate by Mr. Marr as a runaway ; appeared very weak ; gave him victuals, and put him to pull the fuel to the copper-holes on that evening, and was sent the same evening to the sick-house, where he remained until the Tuesday following, when he was brought to the boiling-house to pot sugar. Tuesday evening was sent back to the sick-house ; he refused to work ; said he was not able ; understood on Wednesday he was sent to the field, and on Wednesday evening he died.

Clement Souch, also an overseer on the estate of Lady F. Stapleton, sworn. Davis came home on the Friday in a very low state ; helped about the boiling-house ;

house; from Saturday till Tuesday he was in the sick-house; Wednesday he was sent to the field to tie up plants, and on Wednesday morning at six o'clock saw him in the fields till noon, when Mr. Walley called him (witness) to mind the boiling-house; never saw him, Davis, till next day, when he was dead; does not know where Davis died.

Robert Washington, coroner, sworn. Heard that a negro had died suddenly at the estate of Lady Stapleton; went there directly to hold an inquisition the Saturday after; found the man buried; had the body dug up; Dr. Cassin examined the body; no marks of violence; returned a verdict, "Died by the visitation of God;" examined Messrs. Anderson and Souch; same evidence as above; examined a woman named Rose, a slave; saw a man named Alexander coming up with the deceased from the field, and when they got by the upper work the slave Davis could not walk any further, and that he died; no medical man saw him till he died, or was dead.

Alexander, a slave, belonging to the estate of Lady F. Stapleton, a field-negro, says he knew Davis. Driver gave him to witness at Sundown; tell him he must carry him up to the sick-house; been in the field all day, and the day before at the works; complained all day; could not work; could not eat; driver obliged to put another negro in the row with him; gave him a few licks in the morning, and at noon about four more to force him into the work; took him up to the mountain estate, could not walk; obliged to lead him; helped him up as far as upper-windmill, where he died; Davis stopped, and I go tell the driver to give me assistance to take Davis on; got two men; when witness went back Davis was dead; nobody with him when he died; the day he (Davis) was sent home by Mr. Marr, was put to make fire; the day after was sent to assist about the works, and unable to do any thing; Sunday was in the sick-house; saw him on Monday and Tuesday about the works till the last day, when he was in the field; was locked up every night at the sick-house; Davis was buried on Friday and dug up again on Saturday.

Henry Richard Cassin, M. D., sworn. Saw the man Davis dug; examined the body, saw no marks of violence whatever; his opinion, sudden death; body seemed to be in an emaciated state; very light, but difficult to judge after being buried, from putrefaction.

Alexander Hanley, M. D. Witness states that he never saw the deceased until he was dead. Mr. Walley sent a note to request his (witness's) attendance on deceased after his death, but could not go on that day, nor did he consider it necessary; saw the slave Davis as a corpse; no marks of violence.

Thomas Marr, Esq. sworn. Sent Davis home to Mr. Walley; had him put in the sick-house at first, and sent him home the day after; thought him in a very weak and low state; did not consider him capable of working; only fit for the sick-house; took half a day to send him home; so as to give him time to go, that is, told the person in charge to take half the day to go with him, and return to work next day.

Nevis, 11th April, finished.

R. Claxton, J. P.

The above named John Walley bound over to appear at the next Court day, to answer to any prosecution that may be entered against him, and not to depart the Court without leave.

(A true copy)

Thomas Slater,
Sect^y and Clerk of the Crown.

Nevis.—In the King's-Bench and Common Pleas..

The Jurors for our Lord the King upon their oath present, that John Walley, late of the parish of St. James in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of he devil, on the fourth day of September in the tenth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave, named Bolam, then and there being a slave under the direction, care, control and

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command of the said John Walley, and also then and there being in great sickness and weakness of body occasioned by a severe ulcerated leg, and by reason thereof then and there confined to the sick-house of a certain estate, called Stapleton's, in the parish aforesaid, in the said Island of Nevis situate, and then and there being unfit for work, feloniously and wilfully did make an assault, and that the said John Walley, him the said Bolam so being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there violently, feloniously and wilfully remove and drive from the said sick-house, and on the day aforesaid, in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October, in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, feloniously and wilfully did compel and force to labour immoderately beyond his strength and against his will, in, upon and about the work of the said estate, called Stapleton's, then under the direction and care of the said John Walley, he, the said John Walley, then and there well knowing the said Bolam to be then, and and during all the time aforesaid, in great sickness and weakness of body, occasioned be the said severe ulcerated leg, and unfit for work as aforesaid; and he, the said John Walley, during all the time aforesaid, there feloniously and wilfully omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said Bolam, due medical care, medicines, and other necessities proper and requisite for the cure and recovery of a person in such sickness and weakness as aforesaid, by means of all which said premises, he the said Bolam, from the said first day of October to the tenth day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, did become greatly emaciated and consumed in his body, and during all that time did languish, and languishing did live, on which said tenth day of October in the year aforesaid, he, the said Bolam, at the parish aforesaid, in the Island of Nevis aforesaid, by means of such compelling and forcing of him, the said Bolam, to labour immoderately beyond his strength and against his will while he was in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, and also for want of such due medical care, medicines, and other necessities proper and requisite for the care and recovery of a person in such sickness and weakness as aforesaid, then and there died, to wit, at the parish aforesaid, in the said Island of Nevis; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley, him, the said Bolam, in manner and by the means aforesaid, feloniously did kill and slay against the peace of our said Lord the King, his crown and dignity.

Robert Claxton,
Solicitor-General.

John Peterson,
Senior King's Counsel.

(A true copy)

Thomas Slater,
Sect^y and Clerk of the Crown.

Enclosure 8, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of St. James, in the island of Nevis, planter, on the 4th day of September, in the tenth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on the several days hereinafter mentioned, at the parish aforesaid, in the said island of Nevis, with force and arms cruelly did maltreat a certain negro slave called Bolam, he the said negro slave called Bolam being on the days and at the times of his being so cruelly maltreated by the said John Walley, a slave under his direction and care, to wit, at the parish aforesaid in the said island; for that the said John Walley on the said fourth day of September in the year aforesaid, in and upon the said slave, called Bolam, then and there being a slave under the direction and care of the said John Walley, and then and there being in the peace of God and of our said Lord the King, and then and there being in great sickness and weakness of body, occasioned by a severe ulcerated leg, and by reason thereof then and there being confined to the sick-house of a certain estate called Stapleton's, in the parish aforesaid, in the said island of Nevis situate, and then

then and there being unfit for work, unlawfully and cruelly did make an assault, and that the said John Walley him the said Bolam so then and there being under the direction and care of him the said John Walley, and then and there being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there unlawfully and cruelly remove and drive from the said sick-house, and on the day aforesaid in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said island of Nevis, unlawfully and cruelly did compel and force to labour immoderately beyond his strength and against his will, in, upon and about the work of the said estate called Stapleton's, then under the direction and care of the said John Walley as aforesaid; he the John Walley then and there well knowing the said Bolam to be then and during all the time aforesaid in great sickness and weakness of body, occasioned by the said severe ulcerated leg, and unfit for work as aforesaid; and he the said John Walley during all the time aforesaid there unlawfully and cruelly omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said slave called Bolam, due medical care and medicines, and other necessities proper and requisite for the cure and recovery of a person in such sickness and weakness, to wit, at the parish aforesaid in the said island, and other wrongs to the said slave called Bolam, on the days aforesaid at the parish aforesaid, in the said island, he the said John Walley did, to the great injury and grievous oppression of the said slave called Bolam, against the form of an Act of the Commander-in-Chief, and General Council and General Assembly of the Leeward Charibbee Islands in such case made and provided, and against the peace of our said Lord the King his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley on the fourth day of September in the year aforesaid, at the parish aforesaid, in the said island, in and upon a certain other negro slave, called Bolam, did with force and arms make an assault, and on that day and divers other days and times, to wit, about twenty-seven other different days then next following, except Sundays, him the said slave called Bolam, did unlawfully and cruelly maltreat, to wit, at the parish aforesaid, in the said island, and other cruel wrongs to the said slave called Bolam, on the last-mentioned days, at the parish aforesaid in the said island, he the said John Walley did, to the great damage and cruel oppression of the said slave, and against the peace of our said Lord the King, his crown and dignity.

(A true copy)

Thomas Slater,

Sec^r and Clerk of the Crown.

Robert Claxton,

Solicitor-General.

John Peterson,

S. K. C.

Enclosure, 9, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE jurors for our Sovereign Lord the King upon their oath present, that John Walley, late of the parish of Saint James, in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the twenty-third day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the island aforesaid, in and upon a certain negro man-slave, named Innis, then and there being a slave under the direction and care of the said John Walley, and in the peace of God and our said Lord the King, then and there being, feloniously and wilfully did make an assault, and that the said John Walley, with a certain instrument called a cat-of-nine-tails, of the value of one shilling, which the said John Walley then and there had and held in his right hand, him the said slave, called Innis, did then and there strike, flog, whip, bruise and lacerate in and upon the back, shoulders and other parts of the body of the said slave, called Innis, then and there giving with the said cat-of-nine-tails to the said slave called Innis, in and upon the back, shoulders, and other parts of his body, divers mortal blows, strokes, bruises, lacerations and hurts, of which said several mortal blows, strokes, bruises, lacerations and hurts, the said slave called

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Innis, on and from the said twenty-third day of October, in the year aforesaid, until the thirtieth day of October in the year aforesaid, at the parish aforesaid, in the Island aforesaid, did languish, and languishing did live, on which said thirtieth day of October in the year aforesaid, he the said slave called Innis, at the parish aforesaid, in the Island aforesaid, of the said several blows, strokes, bruises, lacerations and hurts, died. And so the jurors aforesaid, upon their oath aforesaid, do say that the said John Walley him the said slave called Innis, in the manner and by the means aforesaid feloniously did kill and slay, against the peace of our said Lord the King, his crown and dignity,

A true copy.

Thomas Slater,
Sec^y and Clerk of the Crown.

Charles Thomson,
Robert Claxton,
John Peterson, S. K. C.

Enclosure 10, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE Jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, on the twenty-third day of October, in the ninth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, at the parish aforesaid, in the said Island of Nevis, in and upon a certain negro man-slave named Innis, being a slave then and there under the direction and care of him the said John Walley, and he the said John Walley being then and there the manager and director of the said slave, did make an assault, and that the said John Walley so being such manager and director as aforesaid, him the said Innis so being a slave under his the said John Walley's direction and care as aforesaid, did then and there wantonly and cruelly maltreat by whipping, beating, scourging and flogging him the said Innis four several times in one and the same day, to wit on the said twenty-third day of October in the year aforesaid, in upon and about his bare back and shoulders, and other parts of his body, with a certain instrument for punishment called a cat-of-nine-tails, which he the said John Walley then and there in his right hand had held and exercised with excessive severity, insomuch that the said Innis, by reason of such whipping, beating, scourging and flogging of him as aforesaid by the said John Walley, then and there befouled himself, to wit, on the same day aforesaid, in the same year aforesaid, at the parish aforesaid, in the said Island of Nevis, to the great distress, anguish and injury of the said Innis, against the form of the act of the legislature of the said Island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley, on the said twenty-third day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, in and upon a certain other slave named Innis, did with force and arms make an assault, and him the said slave named Innis did unlawfully and cruelly maltreat, to wit, at the parish aforesaid, in the said Island of Nevis, and other cruel wrongs to the said slave named Innis, on the day and year aforesaid, at the parish and island aforesaid, he the said John Walley did, to the great damage and cruel oppression of the said slave named Innis, against the form of the act of the legislature of the said Island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

A true copy.

Thomas Slater,
Sec^y and Clerk of the Crown.

Charles Thomson,
Robert Claxton,
John Peterson, S. K. C.

Enclosure 11, in No. 4.

In the King's Bench and Common Pleas.

THE Jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the

the devil, on the twenty-third day of March, in the eighth year of the reign of our Sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on divers days and times between that and the twenty-ninth day of March, in the year aforesaid, with force and arms, at the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave named Davis, then and there being in the peace of God and our said Lord the King, and also then and there being a slave under the direction and care of him the said John Walley as the manager of a certain plantation there situate, called Stapleton's Estate, and to which plantation he the said slave named Davis, during all the time aforesaid did then and there belong, and the said slave named Davis then and there being in great sickness, weakness, emaciation and exhaustion of body, feloniously, wilfully, and of his malice aforethought, did make divers assaults, and that the said John Walley, so then and there being such manager as aforesaid, did then and there, with force and arms, him the said slave named Davis so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation and exhaustion of body as aforesaid, feloniously, wilfully, and of his malice aforethought compel and force to labour in upon and about the work of the said plantation, beyond the strength of him the said slave named Davis, and that he the said John Walley so then and there being such manager as aforesaid, did then and there feloniously, wilfully, and of his malice aforethought, neglect and omit to procure and administer to the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation and exhaustion of body as aforesaid, medical attendance, assistance, medicines and other necessities proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, by means of which said compelling and forcing of the said slave named Davis to labour in upon and about the work of the said plantation beyond the strength of him the said slave named Davis, and also of such neglecting and omitting to procure and administer to the said slave named Davis medical attendance, assistance, medicines, and other necessities proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, he the said slave named Davis, from the said twenty-third day of March, in the year aforesaid to the said twenty-ninth day of March in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, did linger and pine, and became greatly consumed in body, and during all that time did there languish, and languishing did live, on which said twenty-ninth day of March, in the year aforesaid, at the parish aforesaid, in the Island of Nevis aforesaid, he the said slave named Davis, by means of such compelling and forcing him to labour beyond his strength as aforesaid, and for want of such medical attendance, assistance, medicines, and other necessities proper and requisite for the due sustenance, cure and recovery of a person in such sickness, weakness, emaciation and exhaustion of body as aforesaid, did perish and die. And so the jurors aforesaid, upon their oath aforesaid do say, that the said John Walley him the said negro man-slave named Davis, in manner and by the means aforesaid feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our Lord the King his crown and dignity.

A true copy.

John Peterson,
Senior King's Counsel.

Thomas Slater,
Sec^y and Clerk of the Crown.

Enclosure 12, in No. 4.

Nevis.—In the King's Bench and Common Pleas.

THE Jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 23d day of March, in the eighth year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and on divers days and times between that day and the 29th day of March, in the year aforesaid, with force and arms, at the parish aforesaid, in the island of Nevis aforesaid, in and

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upon a certain negro man slave named Davis, then and there being in the peace of God and our said Lord the King, and also then and there being a slave under the direction and care of him the said John Walley, as the manager of a plantation there situate called Stapleton's Estate, and to which plantation he the said slave named Davis, during all the time aforesaid, did then and there belong; and the said slave named Davis then and there being in great sickness, weakness, emaciation, and exhaustion of body, feloniously and wilfully did make divers assaults, and that the said John Walley so then and there being such manager as aforesaid did then and there with force and arms him the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation, and exhaustion of body as aforesaid, feloniously and wilfully compel and force to labour in, upon and about the work of the said plantation, beyond the strength of him the said slave named Davis; and that he the said John Walley, so then and there being such manager as aforesaid, did then and there feloniously and wilfully neglect and omit to procure and administer to the said slave named Davis, so then and there being a slave under his the said John Walley's direction and care as aforesaid, and so then and there being in great sickness, weakness, emaciation, and exhaustion of body as aforesaid, medical attendance, assistance, medicines, and other necessities proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis; by means of which said compelling and forcing of the said slave named Davis to labour in, upon and about the work of the said plantation, beyond the strength of him the said slave named Davis, and also of such neglecting and omitting to procure and administer to the said slave named Davis medical attendance, assistance, medicines, and other necessities proper and requisite for the due sustenance, cure and recovery of him the said slave named Davis, he the said slave named Davis from the said 23d day of March, in the year aforesaid, to the said 29th day of March, in the year aforesaid, at the parish aforesaid, in the island of Nevis aforesaid, did linger and pine, and became greatly consumed in body, and during all that time did there languish, and languishing did live; on which said 29th day of March in the year aforesaid, at the parish aforesaid, in the island of Nevis aforesaid, he the said slave named Davis, by means of such compelling and forcing him to labour beyond his strength as aforesaid, and for want of such medical attendance, assistance, medicines, and other necessities proper and requisite for the due sustenance, cure and recovery of a person in such sickness, weakness, emaciation, and exhaustion of body as aforesaid, did perish and die: And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley him the said negro man-slave named Davis, in manner and by the means aforesaid, feloniously did kill and slay, against the peace of our said Lord the King, his crown and dignity.

A true copy,

(signed)

Jno. Peterson,

Senior King's Counsel.

Thos. Slater, Secry. and Clerk of the Crown.

Enclosure 13, in No. 4.

Nevis.—In the King's Bench and Cammon Pleas.

THE jurors for our Lord the King, upon their oath present, that John Walley, late of the parish of Saint James, in the said Island of Nevis, planter, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the fourth day of September, in the tenth year of the reign of our sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, in the parish aforesaid, in the Island of Nevis aforesaid, in and upon a certain negro man-slave named Bolam, then and there being a slave under the direction, care, control and command of the said John Walley, and also then and there being in great sickness and weakness of body occasioned by a severe ulcerated leg, and by reason thereof then and there confined to the sick-house of a certain estate called Stapleton's, in the parish aforesaid, in the said Island of Nevis situate, and then and there being unfit for work, feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said John Walley, him the said Bolam so being in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, did then and there violently,

violently, wilfully, feloniously, and of his malice aforethought, remove and drive from the said sick-house; and on the day aforesaid, in the year aforesaid, and on divers other days between the said fourth day of September and the first day of October in the year aforesaid, that is to say, on each and every day except Sundays, between the said fourth day of September and first day of October, in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, feloniously, wilfully, and of his malice aforethought, did compel and force to labour immoderately, beyond his strength and against his will, in, upon and about the work of the said estate called Stapleton's, then under the direction and care of the said John Walley, he the said John Walley then and there well knowing the said Bolam to be then, and during all the time aforesaid, in great sickness and weakness of body, occasioned by the said severe ulcerated leg, and unfit for work as aforesaid; and he the said John Walley, during all the time aforesaid, there feloniously, wilfully, and of his malice aforethought, omitting and refusing to provide and administer, and to cause to be provided and administered for and unto the said Bolam, due medical care, medicines, and other necessities proper and requisite for the care and recovery of a person in such sickness and weakness as aforesaid, by means of all which said premises, he the said Bolam, from the said first day of October to the tenth day of October in the year aforesaid, at the parish aforesaid, in the said Island of Nevis, did become greatly emaciated and consumed in his body, and during all that time did languish, and languishing did live; on which said tenth day of October, in the year aforesaid, he the said Bolam, at the parish aforesaid, in the Island of Nevis aforesaid, by means of such compelling and forcing of him the said Bolam to labour immoderately beyond his strength and against his will, while he was in great sickness and weakness of body as aforesaid, and unfit for work as aforesaid, and also for want of such due medical care, medicines, and other necessities proper and requisite for the cure and recovery of a person in such sickness and weakness as aforesaid, then and there died, to wit, at the parish aforesaid, in the said Island of Nevis; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Walley, him the said Bolam, in manner and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our said Lord the King, his crown and dignity, and against the form of the Act of the Commander-in-Chief and the General Council and General Assembly of his Majesty's Leeward Charibbee Islands in America, in such case made and provided.

(A true copy)

Robert Claxton, Solicitor-General.
John Peterson, S. K. C.

Thos. Slater,
Secy and Clerk of the Crown.

Enclosure 14, in No. 4.

In the King's Bench and Common Pleas.

Nevis, } THE Jurors of our Lord the King upon their oath present, that John
to wit, } Walley, late of the parish of Saint James, in the said island of Nevis,
planter, on the 11th day of January, in the 10th year of the reign of our sovereign
Lord George the Fourth, by the grace of God of the United Kingdom of Great
Britain and Ireland King, Defender of the Faith, and on the several other days
hereinafter mentioned, at the parish aforesaid, in the said island of Nevis, with
force and arms cruelly did maltreat a certain slave called Frances, she the said
slave called Frances being, on the days and at the times of her being so cruelly
maltreated by the said John Walley, a slave under his direction and care, to wit,
in the parish aforesaid in the said island, for that the said John Walley, on the
said 11th day of January in the year aforesaid, in and upon the said slave called
Frances, then and there being a slave under the direction and care of the said
John Walley, and then and there being in the peace of God and of our said Lord
the King, did make an assault, and her the said slave called Frances, then and there
being a slave under the direction and care of the said John Walley, he the said
John Walley then and there unlawfully and cruelly did imprison in a certain fowl-
house, amongst the poultry and amidst the filth thereof, and did enclose and lock
up the legs of the said Frances in certain stocks made of wood and iron within the
said fowl-house, and did keep her continually confined therein, without proper con-
veniences for the calls of nature, and in great pain and torture for and during a

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long space of time, to wit, the space of 70 hours, on and from the day aforesaid, in the year aforesaid, until the 14th day of the same month and year aforesaid, she the said slave called Frances on each and every of those said last-mentioned days being a slave under the direction and care of the said John Walley, to wit, at the parish aforesaid, in the said island of Nevis, and other wrongs to the said slave called Frances, on the days aforesaid, at the parish aforesaid, in the said island, he the said John Walley did, to the great injury and grievous oppression of the said slave, against the form of an Act of the Commander in Chief and General Council and General Assembly of the Leeward Charibbee Islands in such case made and provided, and against the peace of our said Lord the King, his crown and dignity; and the Jurors aforesaid, upon their oath aforesaid, do further say, that the said John Walley, on the said 11th day of January, in the year aforesaid, at the parish aforesaid, in the said island, in and upon a certain other slave called Frances, did with force and arms make an assault, and on that day and from thence continually for a long space of time, to wit, for the space of 70 hours, on and from the day aforesaid, in the year aforesaid, until the 14th day of the same month and year aforesaid, did unlawfully and cruelly confine and keep in confinement the said slave called Frances, by enclosing and locking up the legs of the said slave called Frances in certain stocks made of wood and iron, to wit, at the parish aforesaid in the said island, and other cruel wrongs to the said slave called Frances on the last-mentioned days, at the parish aforesaid in the said island, he the said John Walley did, to the great damage and cruel oppression of the said slave, and against the peace of our said Lord the King, his crown and dignity.

(signed) *Robert Claxton, Sol' Genl.*

Jn. Peterson, S. K. C.

A true copy.

Thos. Slater, Secry. and Clerk of the Crown.

Enclosure 15, in No. 4.

In the King's Bench and Common Pleas.

Nevis.—THE Jurors for our Lord the King upon their oath present, that George Cousins, late of the parish of Saint John, in the said island of Nevis, planter, on the 5th day of January, in the 10th year of the reign of our sovereign Lord George the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms at the parish aforesaid, in the said island of Nevis, did wantonly assault a negro man-slave named George Tobin, and a negro man-slave named Monmouth; and that the said George Cousins them the said George Tobin and Monmouth then and there did wantonly maltreat, by ordering and causing them the said George Tobin and Monmouth to be then and there wantonly whipped, beaten and flogged, without any reasonable and lawful cause; therefore he the said George Cousins, being then and there the manager and director of the said George Tobin and Monmouth, and they the said George Tobin and Monmouth being then and there slaves under his the said George Cousins's direction and care, to wit, at the parish aforesaid in the said island of Nevis, and other wrongs to them the said George Tobin and Monmouth then and there wantonly did, to the great damage of the said George Tobin and Monmouth, against the form of the Act of the Legislature of the said island of Nevis in such case made and provided, and against the peace of our said Lord the King, his crown and dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on the same day aforesaid, in the year aforesaid, the said George Cousins, with force and arms at the parish aforesaid, in the said island of Nevis, in and upon the said George Tobin and Monmouth did wantonly make another assault, and them the said George Tobin and Monmouth did then and there wantonly maltreat, by whipping, beating and flogging them, and causing them to be then and there whipped, beaten and flogged, without any reasonable cause therefor, and other wrongs to them the said George Tobin and Monmouth then and there wantonly did, to the great damage of the said George Tobin and Monmouth, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

(signed) *Jn. Peterson, S. K. C.*

A true copy.

Thos. Slater, Secry. and Clerk of the Crown.

Enclosure 16, in No. 4.

ST.
CHRISTOPHER.

Sir,

Nevis, 4th June 1830.

I BEG leave most respectfully to submit the following representation to your Excellency's consideration.

About the 8th January last, Mr. Justice Galpine stated to me, that two negro slaves of the estate of the late Mr. Brazier had come to him, complaining that they had been unjustly punished by the manager; that he had in consequence sent for the manager, and that on his explanation of the business, finding the slaves had been deservedly punished with a cat-o'-nine-tails, he dismissed the complaint, and justified the manager, but enjoined him not to inflict any further punishment on the parties, as they had been sufficiently whipped already; but that to his astonishment the same slaves had come to him a second time, alleging that they had been again flogged, and *that with the cart-whip*, soon after they had got home, notwithstanding the injunction to the contrary; and Mr. Justice Galpine now desired my opinion as to his authority to commit the manager for contempt, or how else he ought to proceed. According to my advice the manager was summoned to answer to this second complaint; and on his appearing before Mr. Justice Galpine and Mr. Justice Ede, it seemed to them that the second flogging had been inflicted vindictively, and the reason assigned a mere excuse for repeating the punishment which had been expressly prohibited; and they consequently bound him over for his appearance at the Court of King's Bench and Common Pleas in March, and wrote a joint letter to Mr. President Maynard, requesting that he would take the necessary steps for having a prosecution instituted against the manager at the public expense. At the March Court the manager was discharged by proclamation, because it did not appear that the President would sanction the prosecution proposed by the magistrates. It having been, however, afterwards ascertained that the President's interference had been suspended by a fictitious letter having been written in the names of the magistrates and sent to his Honor, importing, that upon re-consideration they wished the matter to be dropped, I conceived it to be my duty when submitting to the President another prosecution at the public cost for his sanction, to advert to this, and the accompanying documents will afford an explanation of the extraordinary result.

I have, &c.

(signed) *John Peterson*,
Senior King's Counsel.To His Excellency Governor Maxwell, C. B.
&c. &c. &c.

Enclosure 17, in No. 4.

Sir,

Nevis, Thursday, 6th May 1830.

I BEG leave to report to you, that a very serious case of riot and assault, and conspiracy, by a formidable number of persons of colour against a poor free negro-man named Jack Ray, attended with flagitious circumstances, has been brought under my official notice, and subsequent inquiry, by its having been taken up by the Court of King's Bench and Common Pleas last Tuesday, who had some of the parties bound over for their appearance, to be holden next month.

Although you have given me general instructions to conduct the prosecution of *all slaves* committed to be tried for felonious offences, upon the magistrates notifying the same to me, yet I have never considered that you meant those instructions to extend to other cases; indeed I have no reason to apprehend that that branch of the Legislature which watches over the colonial expenditure would not be satisfied that any other case, short of a capital felony, should be left entirely to my discretion, while I am quite alive to my official responsibility. I therefore respectfully submit the matter to your attention, and also the case of alleged maltreatment of slaves on the late Mr. Brazier's estate, in consequence of their having complained to a Justice of the Peace.

I have, &c.

(signed) *John Peterson*,
Senior King's Counsel.To His Honor Mr. President Maynard,
&c. &c. &c.

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CHRISTOPHER.

Sir,

New River, 13th May 1830.

The disturbance and assault you mention in your letter of the 6th, I had already heard of, but not officially ; and as it would not do to prosecute one party, and allow the other party to go unpunished, I beg you will conduct the prosecution in both cases, that is, against the rioters in Jack Ray's, and the parties concerned in the maltreatment of Brazier's negroes.

To John Peterson, Esq. K.C.
&c. &c. &c.

I have, &c.
(signed) *Walter Maynard.*

Sir,

Nevis, 3d June 1830.

I beg leave to inform you, that in conformity with your instructions of the 11th ult., I preferred in the Court of King's Bench and Common Pleas, the day before yesterday, two bills of indictment in the case of Jack Ray; one of them was found, but the other, for what reason I do not perfectly understand, was ignored. In the case of alleged maltreatment of slaves on the late Mr. Brazier's estate, in consequence of their having complained to a Justice of the Peace, I preferred a bill of indictment upon a charge of wanton maltreatment by whipping, &c. without reasonable cause, which met with a fate to which I would invite your particular attention. This bill was not only ignored also, notwithstanding that I had sent before the Grand Jury the complaining parties and their witnesses, and the two magistrates who had made a representation on the subject to you, but the following return was indorsed upon it by the foreman "No bill; frivolous and vexatious." It not clearly appearing, however, whether the Grand Jury meant to convey a censure upon the magistrates for their application to you, or upon you for your instructions to me, or upon me for preferring the bill, I was disposed to treat the matter as one of those anomalies which too frequently mark the records of the courts of law in this part of the world; but as the chief Justice assumed upon it an authority with which, as I have long been legally advised, his Excellency the Captain General, or the King's immediate representative alone, is invested, and ventured to reprehend me from the bench, gratuitously and undeservedly, for having on this occasion inconsiderately, as he inferred, exercised my office as the standing Crown lawyer of the island, I conceive that it would be improper in me not to state these circumstances to you. With reference to the case of Mr. Walley, I have only to observe that that person stands indicted for manslaughter in two instances, and for cruel maltreatment of slaves in two others, and has been committed to gaol by the Court; but that a bill of indictment for the murder of the slave Bolam, and another for the cruel maltreatment of the slave Frances, were ignored,

To His Honor Mr. President Maynard,
&c. &c. &c.

I have, &c.
(signed) *John Peterson,*
Senior King's Counsel.

— No. 5. —

COPY of a DESPATCH from Viscount *Goderich* to Governor *Marwell*,
dated 4th December 1830.

Sir,

Downing-Street, 4th Dec. 1830.

Your Despatches dated the 7th of July, with their Enclosures, have been received in this Department, and I have perused the evidence they contain of systematic cruelty and oppression with feelings which I will not trust myself to express. Entirely participating in the indignation with which you regard the atrocities perpetrated by Mr. Walley, I no less fully concur with you in regretting that all attempts to obtain justice should have been defeated by defects in the recent slave-code of Nevis, and by the inefficient administration of the law in that island.

The failure of four of the prosecutions instituted against Walley is attributed to the rule laid down in the Act for the admission of slave evidence, passed on the 10th of October 1828, by which the testimony of slaves to facts which had occurred before the date of that statute was declared inadmissible. The inconvenience which might

might result from such an enactment, and its inconsistency with sound principles of legislation, did not escape the notice of Sir George Murray when that Act was under his consideration. In his despatch of the 10th September 1829, he observed that this and another exception made to the general rule of the admissibility of slave evidence, "not only withdrew particular cases from the reach of the statute, but were at variance with the principles upon which the whole measure proceeded. It was," he observed, "admitted, that a slave was a competent, and might be a credible witness; the Act did not render him credible, but acknowledged such claims to credit as he already possessed." He therefore expressed his inability "to perceive why such a witness was less entitled to be believed when speaking of an occurrence which took place on the 9th day of October, the day preceding the enactment, than if it had taken place on the 11th of the same month. The motives to veracity, the temptations to falsehood, and the means of detection, were in either case the same;" he expressed his opinion that "the operation of the exceptions in question would not perhaps be very extensive," but he added, that "it was not on that account the less necessary to avoid any deviation from those sound principles" which the Legislature had recognized.

I regret to find that the practical mischief resulting from the provision thus objected to has been experienced much sooner, and more extensively than had been anticipated. You will take the earliest opportunity of again calling the attention of the council and assembly of Nevis to the remarks which I have thus quoted from my Predecessor's Despatch of the 10th of September 1829, pointing out to them how urgently the case of Walley demonstrates the necessity of establishing the law of slave evidence upon the simple ground that no witness shall in any case be rejected on account of his servile condition. Any qualification of this simple principle must be productive of inconsistencies in the theory and abuses in the practice of the law.

In the deposition made before the magistrates by William Huggins, who had been the overseer of Stapleton's estate, I perceive some statements of so much general importance in relation to the condition of all the plantation slaves in Nevis, that I deem it necessary to recall the language of this witness to your particular recollection. He states that the "gang on Stapleton's estate turned out as soon in the morning as they could see to work," (the word in the copy transmitted by you is written *so*, I presume by a clerical error) knocked off their work in the evening at sun-set, to go for bush or grass, for the cattle stakes. Each negro threw a turn of grass at noon, and another at night. A quarter of an hour or twenty minutes was the time allowed at breakfast time, but *thinks they had the same time as is allowed on other estates*. "I never timed them, but think they had sufficient time; two hours were allowed at noon. Sometimes when the work was pushing they never had breakfast or noon-time on the same day, this was not frequent. When this was the case, the gang had sent to them for breakfast a ball of mussan," (so the words are written) and a herring, or a piece of pork, and at noon-time potatoes boiled for them, or tannins, all of which were in addition to their allowance; stopped working while they ate what was sent to them. In crop-time they had frequently hot liquor sent to them. The gang worked at breakfast and noon-time both in and out of crop, occasionally, but not very often; on these occasions, in crop-time, they always had hot liquor. Have heard the negroes complain at working at their breakfast and noon-time; out of crop-time always had beverage, sometimes four times a day. Negroes worked very hard while I was on the estate; thinks some of them were worked beyond their strength, as those who were most able kept down their rows, the others were pushed to keep with them."

I have extracted the preceding passage at length from the evidence of Mr. Huggins, chiefly on account of his statement that the negroes on Stapleton's estate, "had the same time as is allowed on other estates." I would earnestly hope that in this opinion the witness is mistaken. If he is to be credited, the slaves on a plantation in Nevis are usually employed from the first dawn of light in the morning until sun-set, having only an interval of fifteen or twenty minutes to breakfast, and two hours at noon, but being obliged, according to the expression of the witness, to "throw a turn of grass at noon and another at night." If this were really to be understood as a correct description of the prevailing practice in the colony, it would lead to the alarming conclusion, that at certain times labour was continued for more than thirteen hours every day, with scarcely any intermission. Considering the heat of the climate in which this labour is exacted, and the nature of the provisions

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by which, as appears from this evidence, the slaves are sustained ; and recollecting that the physical strength of the labourer is not supported by the hope of receiving wages, it is impossible to avoid the conclusion that such a system must be destructive of human life, and incompatible with any reasonable degree of comfort. You will inquire and report to me whether the fact really coincides with the statement of Mr. Huggins, and what is the average duration of labour on sugar plantations, and whether the hours allotted for repose, for breakfast and dinner time, or after sun-set, are usually interrupted by the duty of picking grass. Should the result of your inquiries confirm the representations made by this witness, you will immediately urge upon the council and assembly the necessity of passing an effective law for placing some reasonable limits to the labour of plantation slaves.

Approaching more closely to the proceedings in the case of Mr. Walley, I remark that Mr. Claxton, the Solicitor-General, in his letter to you of the 22d March, commented on the neglect of the magistrates to examine Sweeny, the overseer, and Dr. Mills, with respect to what they knew of the circumstances which caused the death of the slave "Eneas," and he recommended a further examination respecting those circumstances. It does not however appear that any such examination took place, and it is still more remarkable that on the trial of Walley upon this charge, neither Sweeny nor Dr. Mills were called as witnesses for the Crown. It is stated that all the Crown witnesses were slaves, and that they were all rejected as inadmissible. You will explain to me why the advice of Mr. Claxton was not followed ; and you will call upon the law officers of the Crown to explain, for my information, why they did not produce the evidence of Mr. Sweeny or of Dr. Mills.

It is stated by Mr. Peterson, that he alone of all the magistracy of the island of Nevis was omitted in the list of magistrates who were summoned by Mr. President Maynard to investigate the charges against Walley. You will signify to Mr. Maynard my direction to explain the grounds upon which this distinction was made.

A subsequent despatch sufficiently explains the motives which induced the Attorney-General upon the acquittal of Walley for manslaughter, in the case of Bolam, to enter a *nolle prosequi* upon the indictment for a misdemeanor in that case.

The rejection by the Grand Jury of Nevis of the bills of indictment preferred to them in so many successive cases of alleged cruelty perpetrated against slaves on different plantations, when viewed with reference to the previous depositions taken before the magistrates, has unavoidably produced on my mind the painful conviction that the gentlemen of the colony have not correctly understood the duties which, as Grand Jurors, it behoves them to perform. I cannot permit myself to believe that persons in their station of life could be insensible to the sacred obligations of the oath taken before they entered the Grand Jury room ; and although I am not disposed to attribute to them any such prejudices on this subject as would prevent the dispassionate exercise of their judgment upon questions of such serious moment, I cannot but feel that the course which they have pursued in this matter is calculated to produce a very painful and unsatisfactory impression in this country. I am willing to ascribe this error to the absence of professional judges, to whose authority upon such subjects deference would be probably paid. I trust the time is not remote when a remedy may be found for this defect in the judicial system of the West India islands. Until that time arrive, I concur in the propriety of the suggestion you have made, that the law officers of the Crown should be directed to prefer informations *ex officio* in all cases in which that course can be legally adopted. This measure will not however obviate the difficulty in cases of felony, in which it will be impossible to proceed, except upon the inquest of a Coroner, or upon a bill found by a Grand Jury. You will therefore take such measures as may appear to you most practicable and expedient for calling the attention of the gentlemen and magistracy of the colonies under your government to this very important subject. Especially you will, by a message to the Legislatures of St. Christopher, Nevis, and Tortola, point out the necessity of rendering the law respecting the office and duties of a Grand Jury generally understood by their constituents. As no doubt has been or could be raised respecting the real rule of law, there is indeed no room for a declaratory enactment. But such a message will at least have the effect of awakening the attention of the Colonial Society at large to the subject.

You

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CHRISTOPHER.

' You will consult with the law officers of the Crown how far it may be possible and expedient to file criminal informations in those cases in which bills of indictment against Walley and others have already been rejected by the Grand Jury of Nevis. I would particularly direct your attention to the cases of the slaves "Davis" and "Harriet Sampson," and to the case of the slaves "George Tobin" and "Monmouth," who were punished by Mr. Cousins. In the last of these cases, the Grand Jury, not content with throwing out the bill, thought proper to find on their oaths that it was "frivolous and vexatious." I apprehend that this finding was entirely beyond their province, and the examinations previously taken would almost irresistibly lead to the conclusion that the bill was improperly rejected.

I perceive that on the investigation in Walley's case a large majority of the magistrates present deliberately quitted the bench, and abandoned the inquiry with which they had been charged. On an occasion of so much importance some very serious cause ought to have existed to justify such a secession, and you will have the goodness to ascertain and report to me what that cause may have been.

I cannot close this despatch without expressing my deep regret at finding myself under the necessity of addressing you upon so painful an occasion, and my very earnest hope that the result of these proceedings may be to produce in the minds of the gentlemen connected with the administration of justice in Nevis a lively impression of the absolute necessity of affording more ample protection to the slave population, and of providing more effective means for the punishment of offences against them.

I have, &c.

Governor Maxwell,
&c. &c. &c.
St. Christopher.

(signed) GODERICH.

— No. 6. —

COPY of a DESPATCH from Viscount *Goderich* to Lord *Combermere*,
dated 19th December 1830.

My dear Lord,

Downing-street, 19th Dec. 1830.

SINCE I assumed the duties of this department, some papers have been before me which were received here in August last, containing the proceedings before the Magistracy and the Court of Justice in the Island of Nevis against a person named Walley, the manager of a property belonging to your Lordship in that Island, for habitual and inhuman cruelty to the slaves under his control. I feel it my duty to enclose copies of these papers for your Lordship's information. I certainly regret the necessity of requesting your Lordship's attention to them, because I know that the perusal of them will be not less painful to you than it has been to myself; but I am equally certain that you have been an utter stranger to the system of management thus disclosed, and that you will be desirous to receive all the information which can further your efforts for guarding against the recurrence of such sufferings as those to which the slaves on your estate in Nevis have been condemned under the directions of Mr. Walley.

On my part no measures will be left unattempted for bringing so great a criminal to justice; and if any intelligence should have reached your Lordship which would throw light on the case, I have no doubt that you will communicate it to me from the same motives which have induced me to make this communication to your Lordship.

I have, &c.

Lord Combermere,
&c. &c. &c.

(signed) GODERICH.

— No. 7. —

ST.
CHRISTOPHER.COPY of a LETTER from Lord *Combermere* to Viscount *Goderich*, dated
Combermere Abbey, 22d December 1830.

My dear Lord,

Combermere Abbey, Dec. 22d 1830.

I HAVE to thank you very much for your letter of the 20th instant, together with papers relative to the abominable conduct of Mr. J. Walley, a manager upon my estate at Nevis. Upon my return from the East Indies I received letters from Governor Maxwell, and from Mr. Swindall, (who manages my St. Kitt's property, and is agent also for that in Nevis), detailing the oppressive and inhuman conduct of Mr. Walley towards the negroes, and informing me that Mr. Swindall had, immediately the facts came to his knowledge, turned Mr. Walley away from the management of the Stapleton estate. I do assure you, my dear Lord, that this circumstance gave me considerable pain, and occasioned me much surprise; for when I was Governor of Barbadoes I visited my estates in St. Kitts and Nevis, and placed new people in the management of them. I contributed the use of the plough and wheel-barrow for manual labour, and gave strict orders that the slaves should not be hard worked, and that they should be well clothed and fed, and all their comforts attended to. It was most gratifying to me, after my return from the West Indies, that my instructions had been implicitly obeyed, and that no estates in those islands were in such fine order as mine, or the negroes so contented and happy. The gross and inhuman conduct of Mr. Walley has given me much pain; and your Lordship may be assured that no expense or trouble on my part shall be spared in order to assist in bringing this criminal to justice: but I fear we cannot expect a jury at Nevis or St. Kitts to do their duty.

Your Lordship knows me too well not to feel confident that every thing was done by me to bring this man to punishment, when I heard of his misconduct; but unfortunately I did not return from the East Indies till after his trial had taken place.

I hope something will now be done in order to make an example of such a miscreant, and I have only again to assure you, that I have nothing so much at heart as the welfare and happiness of the negroes upon my estates, and Governor Maxwell and Mr. Swindall well know how anxious I have been respecting their treatment, &c.

I need not add, that every effort shall be used by me for guarding against a recurrence of such bad treatment of slaves upon my estates.

I have, &c.

To Viscount Goderich,
&c. &c. &c.

(signed) COMBERMERE.

BARBADOS.

— No. 8. —

COPY of a DESPATCH from Governor Sir *J. Lyon* to Viscount *Goderich*,
dated 12th January 1831, with one Enclosure.

BARBADOS.

My Lord, Government House, Barbados, 12th January 1831.

I HAVE the honour to forward herewith the draft of an Act to remove certain restrictions affecting the testimony of slaves, &c. &c.

It was introduced by an influential Member of Council some time ago, and after full discussion passed that body, as will be noticed, on the 30th day of November last. In the House of Assembly, where it had been read once, the progress of the bill was arrested by a necessary dissolution of the House, in consequence of having sat six months after the demise of the late king. Imperfect in this respect as it is, entertaining no doubt of its ultimately passing, I consider it a justice due to the Colony to forward the Bill, that your Lordship may be early apprised of the amelioration which the Legislature of Barbados have freely and voluntarily began with regard to slave-evidence, and as a proof of their desire to meet the expressed wishes of His Majesty's Government on the subject.

It affords me much pleasure to add that a Bill is also in preparation for facilitating the manumission of slaves in this Island, rendering it indeed compulsory on the part of the owner, under certain fair and equitable conditions; this Bill will receive the support of the most influential Members of Council, and it is hoped may not be successfully opposed by the Members of the House of Assembly.

I have the honour to be,
&c. &c. &c.

Lord Viscount Goderich,
&c. &c. &c.

James Lyon.

(Enclosure.)

AN ACT to remove certain Restrictions affecting the Testimony of Slaves.

WHEREAS by the third clause of an Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better order and government of Slaves, and for giving them further protection and security, for altering the mode of Trial of those charged with capital and other offences, and for other purposes," it is required, that all slaves appearing as witnesses in any of the courts of this island shall produce a certificate of baptism, and also a certificate from under the hand of a clergyman, setting forth that such slave has been sufficiently instructed in the principles of the Christian religion adequately to understand the obligation of an oath, and certain other restrictions are by the said clause imposed upon the evidence of slaves: And whereas it is deemed expedient to dispense with such certificates, and to remove such restrictions, Be it therefore Enacted, by his Excellency Sir James Lyon, Knight Commander of the Most Honourable Military Order of the Bath, Grand Cross of Hanover, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act the third clause of the said Act, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves," which passed the 23d day of October 1826, shall be and the same is hereby repealed and made void.

And be it further enacted, that slavery shall hereafter be no bar to the admission of the evidence of persons in that condition, and that all slaves shall be admitted

Clause 2d.

BARBADOS.

admitted to give evidence in any of the courts of this island, and before any justice of the peace, coroner or other officer, authorized to administer oaths, upon the same terms, and subject to the same rules and regulations, as any other class of His Majesty's subjects, in all things, especially in reference to incompetency from want of sufficient understanding, defect of religious principle, conviction for certain crimes, or interest, due regard being had to the consistency and intrinsic credibility of such evidence.

Clause 3d.

And be it further enacted, by the authority aforesaid, that when any person or persons shall require the testimony of any slave or slaves before any court, judge, coroner, or justice, a writ of subpoena shall and may be issued in the usual manner by such court, judge, coroner or justice, directed to the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be, requiring him or her to bring or produce, or cause to be brought or produced, in court, or before such judge, coroner, or justice, such slave or slaves, at the time and for the purposes in the said writ mentioned. And if the person to whom such writ may be directed shall neglect or refuse to produce such slave or slaves, on proof of the same having been served on him or her by some white person, he or she shall forfeit the sum of ten pounds, current money, to the uses of the island, to be levied and raised as in the case of servants wages, by warrant from the said court, judge, coroner or justice.

Clause 4th.

And be it further enacted, that any slave who may commit perjury before any court, judge, coroner, or justice of the peace, shall upon conviction thereof be punished by imprisonment, not exceeding three months; and if the offender be a male, that he shall also be flogged, not exceeding three times during the period of his imprisonment, and that at no one time shall he receive more than thirty-nine stripes; and that if the offender be a female, the punishment of the tread-mill be substituted for flogging, at the discretion of the Court.

Clause 5th.

And be it further enacted, that this Act be and continue in force for the period of three years, and no longer.

Read three times, and passed the Council, this 30th day of November 1830.

(signed) *Wm. Husbands,*
D. Clerk of the Council.

A N T I G U A.

— No. 9. —

ANTIGUA.

COPY of a DESPATCH from Governor Sir *P. Ross* to Viscount *Goderich*, dated 22d January 1831.

My Lord,

Government House, Antigua, 22d Jan. 1831.

THE delay in the arrival of the mail-boat enables me to have the honour of acquainting your Lordship, for the information of Lord Goderich, that a Bill for the abolition of the market throughout the Sabbath-day, and another for the admission of slave-evidence, are in progress through the Houses of Legislature of this island; and that I entertain a well-grounded hope of transmitting one or both for the Royal confirmation by the ensuing packet.

I have the honour to be, &c. &c.

Lord Viscount Howick,
&c. &c. &c.

(signed) *Patrick Ross.*

ST. VINCENT.

— No. 10. —

COPY of a DESPATCH from the Officer administering the Government, to
 Secretary Sir *George Murray*, dated 23 September 1830 ; with 1 Enclosure. ST. VINCENT.

Sir,

Government House, St. Vincent,
 23 September 1830.

PERMIT me to refer you to your despatch of 2d September 1829, accompanying the Order in Council, whereby his late Majesty was pleased to declare his disallowance of the amended Slave Act passed by the legislature of this island some short time previously, because it introduced a distinction between the competency of witnesses of free and servile condition.

I assure you, Sir, it is with great pride I have now the honour to transmit a copy of a slave-evidence bill passed on the 8th instant, which not only meets every declared objection by dispensing with the certificate of a religious teacher that the slave is adequately instructed to understand the nature and obligation of an oath (which was required to make him a competent witness in criminal cases only,) but most liberally declares that no person shall henceforth be rejected as a witness in any court of civil or criminal justice in St. Vincent by reason of his or her slavery.

I trust the readiness with which this important measure has been adopted will be accepted by His Majesty's Government as a testimony of that confidence with which the Legislature will from time to time acquiesce in such progressive improvements as tend to the moral and intellectual advancement of the slave population.

I have, &c.

The Right Honourable
 Lieut. Gen. Sir *George Murray*, G. C. B.
 &c. &c. &c.

(signed) *W^m J. Struth.*

(Enclosure.)

AN Act to repeal the sixty-sixth and sixty-seventh Clauses of an Act, intituled, "An Act to repeal an Act intituled an Act for making Slaves real Estate," and the First Clause of an Act, intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People, and number of Negroes within this Government and its dependencies, and to ameliorate the condition of Slaves, and for other purposes;" and also an Act to alter and amend an Act, intituled, "An Act to repeal an Act, intituled, 'An Act for making Slaves real Estate,' and the First Clause of an Act, intituled, 'An Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People, and number of Negroes within this Government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes, and to admit the Evidence of Slaves.'"

No. 282.

WHEREAS it is expedient for the better and more impartial administration of justice in Saint Vincent, that the several laws now in force regulating the admission of the evidence of Slaves should be revised, and other provisions substituted in lieu thereof, WE therefore, your Majesty's most dutiful and loyal subjects, Sir *William John Struth*, Knight, President, Commanding-in-Chief for the time being in and over the Islands of Saint Vincent, Bequia, and its Dependencies, and the Council and Assembly of the same, pray your most Excellent Majesty that it may be enacted; And be it and it is hereby enacted by the authority aforesaid, That from and after the publication of this Act the sixty-sixth and sixty-seventh clauses of an Act, intituled, "An Act to repeal an Act, intituled, 'An Act for making Slaves Real Estate,'" and the first clause of an Act, intituled, "An Act to appoint Commis-

Preamble.

Clause I.

ST. VINCENT.

sioners for the purpose of obtaining an exact account of the number of the coloured free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of Slaves, and for other purposes ; ” and also, an Act, intituled, “ An Act to alter and amend an Act, intituled an Act to repeal an Act intituled an Act for making Slaves Real Estate, and the first clause of an Act intituled, an Act to appoint Commissioners for the purpose of obtaining an exact account of the number of the coloured free People and number of Negroes within this government and its dependencies, and to ameliorate the condition of the Slaves, and for other purposes,” shall be and the same are hereby repealed accordingly.

Clause II.

And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered incompetent to give evidence in any court of civil or criminal justice in Saint Vincent by reason of his or her being in a state of slavery : Provided always, that no slave shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned ; nor in any court of criminal justice where his or her owner may be charged with or prosecuted for any offence whatever ; and provided also, that nothing in this Act contained shall extend to render any slave competent in the law to give evidence in any case in which such slave would be incompetent to give evidence if he or she were of free condition.

Clause III.

And be it further enacted by the authority aforesaid, that in all cases where the evidence of slaves is required to be given in any court or courts of Justice in this island, a writ of subpœna shall issue under the hand of the secretary of this island, or his lawful deputy, and under the seal of the court in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to the owner or possessor of such slave or slaves, or in his absence, to the person under whose immediate charge such slave or slaves may be, requiring him, her or them, under the penalty of fifty pounds, to bring and produce, or cause to be brought and produced in court, such slave or slaves for the purposes aforesaid ; but before the said slave or slaves shall give evidence, the party prosecuting or requiring testimony shall tender to the proprietor, or his or her representative, or pay into court for his or her use, the sum of twenty shillings per day for such time as the witness shall be absent from the duty of his master or employer.

Clause IV.

And be it further enacted by the authority aforesaid, that in case any slave or slaves shall wilfully or corruptly give false evidence in any trial had under this Act, or any other Act, such slave or slaves, being thereof convicted, shall receive such punishment as the court trying the cause shall think proper to direct.

Clause V.

And be it further enacted by the authority aforesaid, that this Act shall be in force during the continuance of the said first hereinbefore recited Act, and no longer.

Dated at Kingstown, this 8th day of September in the First year of the reign of our Sovereign Lord WILLIAM the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1830.

J. P. Ross, Speaker.

Passed the Assembly, this 8th of September 1830.

P. Hobson, Clerk of Assembly.

Passed the Council, this 8th day of September 1830.

John Beresford, Clerk of the Council.



W. J. Struth.

Assented to by His Honor the President Commanding-in-Chief for the time being, this 9th day of September, in the year of our Lord 1830.

John Beresford, Public Secretary.

SAINT VINCENT.—Duly published in Kingstown, this 10th day of September in the First year of His Majesty's reign, and in the year of our Lord 1830.

C. D. Stewart,
Acting-Provost-Marshall-General.

— No. 11. —

COPY of a DESPATCH from the Officer administering the Government to
Secretary Sir *George Murray*, dated 24th October 1830.

ST. VINCENT.

Sir,

St. Vincent,
Government House, 24th October 1830.

HAVING omitted to mention the cause which occasioned a limitation to the Slave Evidence Bill, which I had the honour to transmit to you on the 23d ult., I now have to state for your information, that as the existing Slave Act will expire in two years, it was deemed advisable to give the present Bill a corresponding operation: so that when a new code becomes a subject of consideration with the Legislature, they will have an opportunity of embodying the testimony of slaves, and any other improvement which may be suggested to them, in one statute.

I am happy to acquaint you, that a Bill for relieving the coloured inhabitants from all disabilities is now in progress, and in all probability will shortly be passed.

I have, &c.

The Right Hon.
Sir Geo. Murray, G. C. B.
&c. &c. &c.

(signed) *W. J. Struth.*

TRINIDAD.

— No. 12. —

COPY of a DESPATCH from Major-General *Grant* to Secretary Sir *George Murray*, dated 16th April 1830.

TRINIDAD.

Sir,

Government House, 16th April 1830.

I HAVE the honour to acknowledge the receipt of your Despatches of the 4th and 18th February, enclosing an order of the King in Council for consolidating the several laws recently made for the improvement of the condition of Slaves: in compliance with the directions contained in those despatches I have now the honour to acquaint you, that the order was duly proclaimed here on the 8th instant, and that it will come in force on the 23d of the present month; several proclamations will be necessary in consequence of this order, and which will be ready for promulgation in the course of a very few days.

I have, &c.

The Right Hon.
Sir Geo. Murray, G. C. B.
&c. &c. &c.

(signed) *Lewis Grant.*

D E M E R A R A.

— No. 13. —

DEMERARA.

COPY of a DESPATCH from Sir *B. D'Urban* to Secretary Sir *George Murray*, dated 1st May 1830; with Two Enclosures.

Sir,

King's House, Demerara, 1st May 1830.

I HAVE had the honour to receive your Despatch, No. 49, with its enclosures.

When I had carefully read and considered the Order in Council of the 2d February last, I became aware, that besides those points of the subject of it upon which I was empowered to supply subordinate rules by proclamation, there were still others upon which the Order had been silent, but which essentially involved the health, the protection, and the welfare of the Slaves.

These were those which had been effectually provided for by the following clauses of the Colonial Ordinance of 1825, with its amendment of 1829; viz. 8. 10. 13, 14, with its amendment, 21, 22, 23, 24, 25, and 28; but which, with the Ordinance itself, were to be abrogated by the Order in Council.

Upon reflecting upon the concluding paragraph of your Despatch, it appeared to me that it must have been intended to have direct allusion to the re-enactment of those clauses which form the protecting safeguard of the slaves most vital interests; and the provisions of which are indeed so important in every regard, that I was impressed with the deepest solicitude for their re-enactment, so as to be in renewed operation simultaneously with that of the Order in Council.

With this view I assembled the Court of Policy, and proposed to them the re-enactment of the above clauses; and I cannot speak too highly of the good feeling with which they acquiesced in my proposal, and unanimously re-enacted them all, at the same time amending and improving two of them (the 22d and 23d), to the increased benefit and advantage of the slave.

The value of these provisions to the well-being of the slave population is so self-evident that it would be superfluous for me to dwell upon it in detail; and I have the honour herewith to transmit the Colonial Act of re-enactment, humbly hoping that His Majesty may be graciously pleased to approve and confirm it.

I also transmit, humbly confiding in His Majesty's gracious approval of it, the proclamation which I have issued under the powers vested in me by the Order in Council, for supplying subordinate rules to co-operate with it; and as Mr. President Wray has afforded me his counsel and assistance, as well in framing the substance, as in arranging it in technical language, I trust it will be found adequate to its provisions. It may, perhaps, require a few observations in elucidation, which I shall offer to your attention as shortly as I can; they are as follow:

With reference to the 2d and 3d paragraphs of it, having, as instructed in the despatch, consulted some of the principal and most intelligent proprietors upon the day and hours of it, most convenient for holding the market to be substituted for that of Sunday, they concurred in those which I have inserted in the proclamation, which also I think will be most convenient to the community generally; and as the butchers shops are all within the boundaries of the market-places, it became necessary, looking at the spirit of the 15th clause of the Order in Council, to exempt those shops from the restrictions imposed by the 14th clause, which would otherwise become prohibitory of them.

With reference to the 4th paragraph, I have adhered as closely as was possible to the definition of "works of necessity," in the Colonial enactment of 1825; because I am not aware that I could have adopted a better or a more precise one; making, however, the *rule of payment for all Sunday labour* (except as excepted in the Order in Council and Despatch) imperative.

But there is one condition not adverted to, as I think, in the Order in Council, although mentioned in the Despatch, upon which I have been silent in my Proclamation until I can refer the point to you, and receive your answer: it is contained in that passage of the Despatch wherein it is said, "services of this nature cannot

No. 1.

No. 2.

cannot even now be demanded without the free consent of the slave ;” and I have ventured to incur this responsibility, because I cannot doubt that the promulgation of such a provision would infallibly be attended with “ serious and irreparable injury,” not only to property, but to that salutary subordination of the slaves to their masters, upon which must ever rest the mutual well-being of both, and the general peace and tranquillity.

The master is bound by the law, and under sufficient penalties, only to employ his slaves on a Sunday upon certain pressing works, which are specifically defined, and for which labour he pays ; so that if he contravenes this law, he does it at his peril, and the slave would appear to be duly protected from abuse, since redress would follow his complaint.

But if the slaves on their parts were allowed the right of refusing such labour as might be urgently required, it would arm them with a dangerous power, and there would soon be an end (I apprehend in but too many cases) of authority on the one side, and of obedience on the other ; for whenever the slaves of any estate, or those of them who influenced the others, were discontented upon any grounds, just or unjust, or had a point to carry, they would refuse to work upon the first Sunday that they were wanted, and the crop would be at their mercy ; besides, and which would probably be the most mischievous effect of this state of things, an anomaly would be originated inconsistent with slave-labour. The asserted and sanctioned right of refusal to labour on one day, would soon, in all probability, beget a habit of refusing to do so on others, which would inevitably give rise to the necessity of coercion and severity that would otherwise not exist ; and this would naturally end in a hostile feeling between masters and slaves, that would tend more than any other circumstance to retard the melioration of the slave condition, while it would incur immense risk of creating such a general temper in all as cannot be regarded without anxiety.

This being my view of the case (and as the point is not set forth in the Order in Council), I have thought it most judicious to abstain from any mention of such a condition in the Proclamation ; and the rather, because no material wrong can be inflicted, or evil incurred, by suffering things to remain as they are and have hitherto been, for the short time necessary to receive your decision thereon, when, if you should be disposed to enforce that condition, it can be then proclaimed and enforced ; whereas if I should now do it, however you may be inclined upon reconsideration to view it in the light in which my practical knowledge induces me to regard it, the evil already done would be irremediable, as the step once taken, from its nature, could not be retraced.

With reference to the 5th paragraph of the Proclamation, the punishments established for female slaves in lieu of whipping, are those of the Colonial Ordinance of 1825, with its amendment of 1829, prohibiting, however, the punishment of confinement on Sunday, and these I have adopted as the best which can be devised, because they are framed upon the principle laid down in your present despatch, because the slaves are accustomed to them, and because they have been found unobjectionable in a practice of more than four years.

Of the judicial provisions of the Proclamation I do not think it necessary to speak ; as they were framed by Mr. President Wray, I can have no doubt of their propriety and efficiency.

The Order in Council, Proclamation, and re-enacted clauses, having been published together on the 29th of last month, will all come into operation simultaneously on the 14th instant.

I have the honour to be, Sir,

Your most obedient and most humble servant,

To Lt. General

The Right Hon. Sir George Murray,

G. C. B. G. C. H. G. C. T. S.

(signed)

B. D'Urban.

Enclosure 1, in No. 13.

No. 42, 1830.

DEMERARA. AN Act to continue in force certain Clauses of an Ordinance for the Religious Instruction of Slaves, in His Majesty's Colony of *Demerary* and *Essequibo*; and for the Improvement of their Condition.

Publication, by his Excellency Major-General Sir *Benjamin D'Urban*, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor and Commander-in-Chief in and over the United Colony of Demerary and Essequibo, its Dependencies, &c. &c. and the Honourable the Court of Policy of the said Colony. To all to whom these Presents shall or may come, Greeting;—Be it known :

Preamble.

WHEREAS by an Order in Council, bearing date the 2d day of February 1830, the King's most Excellent Majesty was pleased to revoke, repeal and annul an Ordinance for the religious instruction of slaves in his Majesty's Colony of Demerary and Essequibo, dated the 7th day of September 1825, together with all laws, ordinances and proclamations passed, enacted, or promulgated within the said Colony for the explanation or amendment of the said Ordinance: And whereas the Right Honourable the Secretary of State for the Colonies, by his Despatch to his Excellency the Lieutenant-Governor, bearing date 4th February 1830, has signified his Majesty's pleasure that the Court of Policy should amend and re-enact certain clauses of the said Ordinance of the 7th September 1825, which are highly important to the well-being of the slaves :

President or Court of Justice to appoint Advocates to defend Slaves, such Advocates to be paid out of the Colonial Chest.

1. It is hereby ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that whenever it may become the duty of the fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition), it shall be his duty, when applying to the Court of Justice, or in non-session, to the President of said Court, for authorization to institute such criminal action, suit, and prosecution, to demand at the same time the appointment of one or more advocates (according to the nature of the charge) to defend such slave in the suit to be commenced against him, when it shall be the duty of the Court of Justice, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay: Provided always, that such advocates shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law and the practice thereof as it is established in this colony if the party accused and under trial were a person of free condition; and in order to secure the zealous and active exertion on the part of such advocates in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of Justice as due to them, the amount whereof shall be ordered by the Court of Policy to be paid to them out of the colonial chest, on proper application being made for the same.

Slaves not to leave the Estate on Sunday, without permission.

2. And it is hereby further ordered, that the exemption from labour secured to the slaves by the 17th section of the said Order in Council shall not authorize them to leave the estates to which they belong, without having thereto obtained permission from their owner, manager or employer; but that they shall, during that period, continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order and the general tranquillity of the colony; nor shall it extend to prevent the weekly allowance and rations being delivered to the slaves on Sunday morning; which however may not be protracted beyond the hour of eight *a. m.*

Gratuity to Female Slaves for every child born under certain circumstances.

3. And it is further ordered, that every female slave who may have a child while she preserves her fidelity in marriage or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner or his attorney, 12 guilders, and 15 guilders for every

every other child she shall thereafter bear and have under the same circumstances : and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this clause, he shall incur a penalty of 20 *l.* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of 20 *l.*

DEMERARA.

4. Every planter or proprietor of slaves shall take the necessary precaution that his slaves be properly supplied with provisions, and shall therefore be obliged to have provision-grounds prepared on the estate, and properly planted, calculating one acre for five negroes ; allowing moreover a reasonable weekly allowance, according to the custom of the colony, and as may best be obtained ; and also to provide them with proper clothing, all agreeably to a schedule hereunto annexed, under a penalty of 5 *l.* for every acre less in provisions than required ; and 10 *l.* for every slave who shall not have been properly provided with his allowance : Provided always, that whenever the provision-grounds to be upon an estate shall be found inadequate to furnish the requisite provisions for the due subsistence of the negroes, the owner or his representative shall be required to purchase, or otherwise procure, such an equivalent supply of provisions as may be proper for their support.

Provisions and Clothing to be furnished agreeably to Schedule.

5. And be it further ordered, that the hours for field-work of slaves shall be from six o'clock in the morning until six in the evening, and not longer ; and that two hours shall be allowed them during that period for rest and meals, under a penalty of 20 *l.* ; and that with regard to slaves employed in and about the buildings for the manufacturing and preserving of crops, there shall be allowed at least eight hours of rest, not less than six hours of which shall be between sun-set and sun-rise, and the whole eight hours without interruption ; under a like penalty of 20 *l.*

Hours for Field Work and Work in and about the Buildings.

6. And it is further ordered, that every proprietor of slaves, or his attorney, shall employ a legally-qualified medical practitioner to attend their sick slaves, and shall provide such medicines, food, and other necessities as such medical practitioner shall from time to time reasonably order and direct ; and that there shall be on every estate or place where the slaves usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of 40 *l.* ; and that a book or register shall be kept in every such hospital in which the names and treatment of all such slaves shall be respectively entered by the medical attendant.

Owners of Estates to employ a Medical Practitioner.

7. And it is further ordered, that no person shall, under a penalty of thirty pounds, bury or allow to be buried any slave who has died suddenly, or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in Georgetown, at the office of the first Fiscal, or if in the country, until such information be sent to the assistant Protector of slaves of the district, or if this be impracticable, to some other respectable inhabitant, who shall, with some legally-qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the respective Fiscals.

Hospital Book to be kept.

No Slave who may have died suddenly, &c. to be buried without inquest.

8. And in order to prevent any irregularities tending to the prejudice of the slave by persons employing the slaves of others without their owners consent, which it is highly necessary to guard against—it is hereby further ordered, that no slave shall or may be lawfully hired or employed in the service of any person or persons except their, his or her owner or manager, unless with the special consent in writing of such owner or manager ; and every person thus unlawfully hiring or employing one or any greater number of slaves shall for every such offence incur and be liable to a fine of forty pounds.

No person to hire the Slave of another without Owner's consent.

9. And it is further ordered, that an Act, entitled “ An Act for establishing a Savings Bank for Slaves,” published by the Lieutenant-Governor and Court of Policy, on the 4th day of March 1828, shall be and continue in full force and effect.

Savings Bank.

10. And for the purpose of enabling the Court of Justice more readily to ascertain whether or not any slave produced before it as a witness, understands the nature and obligation of an oath, it is hereby further ordered, that every clergyman of the Established Church of England and Ireland, and every minister of the Dutch Reformed Church, and of the Kirk of Scotland, and every priest or minister professing

Certificates of Witnesses.

DEMERARA.

professing the Roman Catholic religion in this colony, and every other person being a licensed teacher of religion within the colony, shall, and is hereby authorized to transmit, or deliver under his hand, to the Protector, or assistant Protector of slaves of the district in which he may be resident, certificates, setting forth the names or name and places or place of abode of any slaves or slave, who in the judgment and belief of the party so certifying may be sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath; and the Protector or assistant Protectors of slaves of the several districts in the colony shall and are hereby required to register the same in a book, to be kept by them for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every slave mentioned and included therein; provided nevertheless, that no priest or minister, or licensed teacher of religion, not being a clergyman of the Church of England and Ireland, or minister of the Dutch Reformed Church, or of the Kirk of Scotland, or of the Roman Catholic religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's principal Secretary of State for the colonies, or the Governor or acting Governor for the time being of the colony, shall have granted to such priest minister or licensed teacher, a license in writing to act as an instructor of slaves in the colony; and unless such license shall be in force, and have been first registered at the office of the said Protector of slaves: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or abridge the undoubted power of the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, to suspend or take away any such license until His Majesty's pleasure shall be known. And the Protector or assistant Protector of slaves, (as the case may be) is hereby required, without fee or reward, to grant to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered: Provided always, that nothing herein contained shall prevent the Court of Justice admitting any slave as a witness without a certificate, if the court is, in any other manner, satisfied, that the proposed witness understands the nature and obligation of an oath.

Regulations for the flogging of Males.

11. And whereas the 21st and 22d sections of the said Order in Council do not include certain salutary regulations respecting the time and place of inflicting the punishment of flogging on male slaves, it is hereby further ordered, that it shall not be lawful to inflict on any male slave the punishment of flogging until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any such punishment may be inflicted; nor shall any such punishment be inflicted but, at, or near, the buildings of the estate.

Substituted punishments.

12. And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner or manager to impose any or either of the following punishments upon any male slave or slaves, for any offences to be hereafter committed by such male slave or slaves, in lieu of the punishment of flogging, it shall be lawful for such owner or manager so to do; complying in all respects with the provisions hereinafter mentioned.

Solitary Confinement—with or without work, in any fit and proper place on any estate, or in any place in the said colony, provided that such place be approved by some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand, such certificate to be duly entered in the record-book on every plantation, if in the country; and if in town, by some duly-licensed medical practitioner and the first Fiscal, to be duly recorded in the office of the said Fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

Field Stocks—for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

House Stocks—for the hands and feet, or either of them, with seats, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

Bed Stocks—for confinement of the feet during the night.

Handcuffs.

Distinguishing Dresses—to be used either with or without the stocks.

Distinguishing Marks—to be suspended from the neck by collars, and secured by padlocks: the collars and marks to be made of tin, and to be of a form approved by

by the government, and, as well as the handcuffs, to be very light, so as not to injure the skin. DEMERARA.

Confinement—either solitary or otherwise, during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food, at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence, nor shall any of the punishments herein specified be exceeded, under a penalty not greater than forty pounds, and not less than ten pounds; and no other mode of punishment than is specified herein, and in the 21st section of the said Order in Council, shall be inflicted on any male slave, under a penalty not exceeding fifty pounds nor less than twenty pounds.

And it is hereby further ordered, that if any offence to be hereafter committed by any male slave in the said colony shall be of such a nature, and of such an extent, as in the opinion of his or her owner, or of any person under whose charge such slave may be placed, to require greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall in writing give information in such case to the respective Fiscals, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one or other of the modes of punishment herein before provided, or by hard labour on the treadmill (the same, however, not to exceed the period of one month) or otherwise to proceed according to the existing laws of the colony.

13. And it is hereby further ordered, that the Protector of slaves shall proceed for the recovery of all fines or penalties in the same manner as the Fiscal is authorized to proceed for the enforcement of pecuniary penalties under the Act of the Governor and Court of Policy of the 9th of May 1829, any thing in the said Act provided notwithstanding. Regulations for Prosecutions, &c.

And it is hereby further ordered, that the Protector of slaves shall institute all proceedings in prosecutions under this Act in the name of the Crown Advocate for the time being, and the same shall be conducted by the Crown Advocate, or some person on his behalf, duly authorized thereto by the President of the Court of Justice: and the Rules of criminal Trials, the Act for the more speedy enforcement of pecuniary penalties, any thing in the said Act provided notwithstanding; and an Act for altering the law of evidence in criminal cases shall extend to all prosecutions under this Act; and the Protector of slaves and assistant Protectors of slaves, shall have the like powers as the Fiscals and deputy Fiscals to procure evidence, and enforce the attendance of witnesses, and the same charges shall be allowed to the Secretary as are provided in the above-mentioned Rules and Acts.

Provided also, that all prosecutions under this Act shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized shall be deemed and be taken to be a commencement of such prosecution. Limitation of Prosecution.

14. And it is hereby further ordered, that all fines imposed by this Act shall be taken to be so imposed in British sterling money. Fines in Sterling Money.

15. That this Act shall be in force on the expiration of fourteen days next after the date of publication hereof, and not before.

And that no ignorance may be pretended of the several Orders contained in this our Act, these presents shall be published and sent round for general information, as usual.

Thus done and enacted at an Extraordinary Meeting, held at the Colony-House, Georgetown, Demerary, this 17th day of April, 1830, and published on the 29th following.

(signed) *B. D'Urban.*

By command of the Court,

Charles Wilday, Joint Dep. Col. Sec.

A true Copy.

J. C. Hammill, Acting Gov. Sec.

K 4

DEMERARA.

SCHEDULE of Weekly Allowance of Food, to be given to Slaves in the United Colony of
Demerary and Essequibo.

Description of Person.	Salt Provisions.	Plantains.	Or other Farinacious Food.
Adult working male or female.	-- Salt fish, Herrings, Shads, Mackarel, or other salt provisions two pounds, if fresh, double the quantity, with half pint of salt.	-- One and a half bunch, weighing not less than forty-five lbs.	-- Nine pints corn or beans, eight pints pease or wheat or rye-flour, or Indian corn meal, or nine pints oatmeal, or seven pints rice, or eight pints Cassava-flour, or eight lbs. biscuit, or twenty lbs. yams or potatoes, or sixteen lbs. eddoes or tanios, and not less.
Invalids, and boys and girls from ten to fifteen years of age.	-- Two thirds of the above.	-- Two thirds of the above.	Two thirds of the above.
Boys and girls from five to ten years of age.	Half of the above	Half of the above	Half of the above.
Children from one to five years of age.	-- One third of the above.	-- One third of the above.	One-third of the above.

YEARLY ALLOWANCE OF CLOTHING.

	Working Males.	Working Females.
Hat - - - - -	1	1
Cloth jacket - - - - -	1	—
Check shirt - - - - -	1	—
Pair Osnaburg trowsers - - - - -	1	—
Salempores laps - - - - -	2	—
Razor or knife - - - - -	1	—
Blanket every two years - - - - -	1	1
Gown or wrapper - - - - -	- - -	1
Check shift - - - - -	- - -	1
Osnaburg petticoat - - - - -	- - -	1
Pair of scissors - - - - -	- - -	1

To invalids and children in proportion.

(A true copy)

J. C. Hammill,
Assist. Gov. Sec.

Enclosure 2, in No. 13.

PROCLAMATION by His Excellency Major-General Sir *Benjamin D'Urban*,
Demerary and Essequibo. Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant-Governor and Commander-in-Chief in and over the United Colony of Demerary and Essequibo, its Dependencies, &c. &c. &c.

L. S.

B. D'URBAN.

WHEREAS by an Order in Council, bearing date the 2d day of February 1830, the Governor of these Colonies is required to issue certain Proclamations, I do, in pursuance thereof, hereby direct—

1. That with reference to the 8th clause of the said Order in Council, the said Protector or assistant-Protector of slaves shall have power to administer an oath in all matters relating to the duties of their office.

2. I hereby

2. I hereby further direct, with reference to the 15th clause of the said Order in Council, that the butchers shops in the market-place may be used on Sundays for the sale of fresh meat, between the hours set apart for the celebration of Divine Service on that day.

3. And I do further direct, with reference to the 16th clause of the said Order in Council, that Saturday in each week shall be a day for holding markets at all places within these colonies, at which it hath heretofore been customary to hold markets on Sunday; and that the said markets shall be held and continue from the hour of one o'clock in the afternoon, until the hour of five in the afternoon.

4. And I do further declare, that the following shall be considered works of necessity, under the 20th clause of the said Order in Council, and shall be paid for in the manner herein directed, viz.

First. Labour performed by nurses in hospitals, by watchmen, and by persons engaged in the interment of the dead.

Secondly. Such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature.

Thirdly. Every other description of labour which though not specified in terms in the preceding exceptions, is of the same general nature, and referable to the same general principle.

Fourthly. All labour undertaken for the preservation of the crops upon any estate, under the following provisions :

A. That in order to avoid all ambiguity in explaining the term "preservation of the crops," it is to be well understood, that on sugar estates it shall mean nothing more than potting the sugar made by boiling-off the cane-juice that may have been expressed at the time of sun-set on any Saturday. That on coffee and cotton-estates it shall mean, 1st, the turning and drying of coffee or cotton already housed and in a state of preparation, but not cured; 2dly, the picking of coffee or cotton during the crop, when from its ripening suddenly, and from the unfavourable season, it would be totally lost if not immediately picked.

B. That the labour of picking coffee and cotton, the potting of sugar, the turning and drying of coffee or cotton, must be performed for wages, which are to be paid to the slave himself.

C. That the rate of these wages shall be fixed by the Protector of slaves, who shall from time to time, by notices publicly given, signify the lowest rate of wages payable to the slaves for such labour.

D. That any person or persons, being the owner or manager of such slave or slaves as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the Protector of slaves, shall for every such offence incur and become liable to a fine of three pounds.

5. And I do further declare that the following shall be the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, under the 25th clause of the said Order in Council.

Solitary Confinement, with or without work, in any fit or proper place on any estate, or in any place in the said colony, provided that such place be approved by some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand; such certificate to be duly entered in the record-book on every plantation if in the country; and if in town, by some duly-licensed medical practitioner and the first Fiscal, to be duly recorded in the office of the said Fiscal; and provided that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

Field Stocks, for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

House Stocks, for the hands and feet, or either of them, with seats, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

DEMERARA.

Bed Stocks, for confinement of the feet during the night.

Handcuffs.

Distinguishing Dresses, to be used either with or without the stocks.

Distinguishing Marks, to be suspended from the neck by collars, and secured by padlocks ; the collars and marks to be made of tin, and to be of a form approved by the Government ; and as well as the handcuffs, to be very light, so as not to injure the skin.

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task-work, during such confinement ; provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights ; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence ; nor shall any of the punishments herein specified be exceeded, under a penalty not greater than forty pounds, and not less than ten pounds ; and no other mode of punishment of females than is herein specified shall be inflicted, under a penalty not exceeding fifty pounds, nor less than twenty pounds ; provided however, that nothing herein contained extend or shall be construed to extend to prevent any master, owner, or manager of any female slave under the age of ten years, causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner and to such and the same extent as any child of free condition may be, and usually is punished and corrected in any school for the education of youth in this colony : provided also, that nothing herein contained shall authorize any manager to inflict any of the above punishments on any female slave on any Sunday throughout the year.

6. And I hereby further order, that if any offence to be hereafter committed by any female slave in the said colonies shall be of such a nature and of such an extent as in the opinion of his or her manager to require greater punishment and correction than such manager is empowered to inflict, such manager shall in writing give information in such case to the respective Fiscals, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one or other of the modes of punishment hereinbefore provided, or by hard labour on the tread-mill, (the same, however, not to exceed the period of one month,) or otherwise to proceed according to the existing laws of the colony.

7. And I hereby further order that the following fees may be charged under the 66th clause of the said Order in Council, viz. by the President's Secretary, for copies of all documents or orders issued by the President at and after the rate now paid by tariff to the said Secretary ; and also by the Marshal the fees now charged by him for services in ordinary civil process ; and that each appraiser shall be allowed a sum not exceeding ten pounds, nor less than five pounds, the amount thereof to be determined in each case by the President of the Court of Justice.

8. And I hereby further order, that the Protector of slaves shall conduct all prosecutions for misdemeanours under the said Order in Council, by personal citation, in the form and manner prescribed for minor crimes and offences by the rules for criminal trials which took effect and are in force since the 18th of May 1829 ; and that for all fines incurred under this Order, not included in offences declared to be misdemeanours, the Protector of slaves shall proceed for the recovery thereof in the same manner as the Fiscal is authorized to proceed for the enforcement of pecuniary penalties under the Act of the Governor and Court of Policy of the 19th of May 1829, anything in the said Act provided notwithstanding ; and in bringing and defending any civil action on behalf of any slave or slaves, the Protector shall apply to the President of the Court of Justice for an order, *pro Deo*, and the President shall grant the same, if he deems such slave or slaves to be entitled by his or their poverty to such order, and also to have good, just and legal grounds of suit or defence.

9. And all prosecutions against any Protector or assistant Protector of slaves, shall be carried on by the first Fiscal under the rules for criminal trials, or under the said Act of the 19th May 1829, as the case may require.

10. And

10. And I hereby further order, that the protector of slaves shall institute all proceedings in prosecutions under the said Order in Council, in the name of the Crown Advocate for the time being, and the same shall be conducted by the Crown Advocate, or some person on his behalf, duly authorized thereto by the President of the Court of Justice; and the rules for criminal trials; the Act for the more speedy enforcement of pecuniary penalties; anything in the said Act provided notwithstanding; and an Act for altering the law of evidence in criminal cases, shall extend to all prosecutions under the said Order in Council; and the protector and assistant-protectors of slaves shall have the like powers as the fiscal and deputy fiscals to procure evidence, and enforce the attendance of witnesses, and the same charges shall be allowed to the secretary as is provided in the above-mentioned Rules and Acts: provided also, that all prosecutions under the said Order in Council shall be commenced within twelve calendar months after the commission of the offence; and the information and proceedings thereon, before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.

11. And I hereby further order, that the report of the protector of slaves, agreeably to the 80th clause of the said Order in Council, shall be in a certain form already transmitted to me by His Majesty's Principal Secretary of State for the Colonies.

12. And it is hereby further ordered, that all prosecutions under this Proclamation shall be commenced within twelve calendar months after the commission of the offence, and the information and proceedings thereon, before a person properly authorized, shall be deemed and taken to be a commencement of such prosecution.

13. And I further direct and order, with reference to the 81st clause of the said Order in Council, that the districts of these colonies shall remain the same as at present established.

Given under my hand and seal of office, at the King's House, in Georgetown, this 29th day of April 1830, and in the 11th year of his Majesty's reign.

God save the King.

By His Excellency's Command,

T. C. Hammill, Assist. Gov. Sec.

(A true copy)

T. C. Hammill, Assist. Gov. Sec.

— No. 14. —

COPY of a DESPATCH from Sir *George Murray* to Sir *B. D'Urban*, dated 13th November, 1830.

Sir,

Downing-Street, 13th Nov. 1830.

I HAVE received your Despatch dated the 1st of May 1830, enclosing an Act passed by yourself and the Court of Policy of Demarara, on the 17th of April last, intituled, An Act to continue in force certain clauses of an Ordinance for the religious instruction of slaves in His Majesty's colony of Demerara and Essequibo, and for the improvement of their condition, together with a Proclamation issued on the same subject on the 29th of the same month by yourself. Having laid this Act and Proclamation before the King, I have received His Majesty's commands to make the following communication to you upon the subject;

The preamble to the Act of the Lieut.-Governor and Court of Policy refers to my Despatch of the 4th of February last, as the authority under which the local legislature has proceeded to the revival of certain parts of the laws repealed by his Majesty's order in council of the 2nd of February. This is an error which requires notice. It is not by my Despatch, but expressly by the Order in Council itself, that the sanction is given for a re-enactment of this nature; and indeed it was in the Order alone that such a permission could properly be given.

DEMERARA.

The clause numbered 2, which declares that slaves shall not leave the estates to which they belong on Sunday without the permission of their owner, should have been qualified by a provision authorizing them to resort to any licensed place of public worship. If the permission to attend a licensed place of worship be refused without good cause, it should be a subject of complaint to the protector, who should be armed with some power of redress ; but the right to resist the master must not be left to the slave, even for his own sake. Some limitation as to the length of time during which slaves might absent themselves on Sunday for this purpose, and respecting the distance to which they might resort, would probably be necessary, but whatever is essential to secure to them the power of attending divine worship, ought to be embodied in such an enactment as this. Some regulation should also be made enabling the protector to ascertain whether this permission had in any case been refused, and in the event of an unreasonable refusal, some penalty should be denounced, or other security taken to prevent its recurrence.

If any insuperable necessity requires that the repose of Sunday should be interrupted by the delivery of the weekly allowances and rations on that day, as authorized by the same clause, No. 2, I should not yield to it without regret. This is an arrangement which can be justified only by proof that it is unavoidable.

The provision in the clause No. 10, respecting certificates to be granted by religious teachers of the competency of particular slaves to understand the nature and obligation of an oath, is inadmissible, although it is qualified by the permission to the Court to admit uncertificated slaves as witnesses. The object of the Order in Council is to abolish altogether all distinctions respecting the admissibility of evidence which turn upon the servile or free condition of the witness. His Majesty cannot sanction any enactment which encroaches upon the simplicity of this rule. Respecting the evidence of slaves, it is at once needless and undesirable that any addition whatever should be made to the enactments contained in the Order in Council.

The 11th clause requires the postponement of punishment until the day after that on which the offence may be committed. A provision of this nature, which had been introduced into the Trinidad Order in Council of March 1824, was designedly omitted in the order of the 2nd of February last, in deference to the very strong objections which had been made to it in several of his Majesty's colonies. Many gentlemen, speaking with the advantage of local knowledge and experience, had represented the benefits of the rule as merely imaginary, while they considered that the postponement was virtually an aggravation of the punishment, subjecting the slave to a gratuitous suffering, and the owner to much needless inconvenience. As the practical knowledge of the members of the Court of Policy has led them to the opposite conclusion, His Majesty does not refuse to sanction a provision which was excluded from the Order itself in deference to other local authorities. I would remark that no penalty is denounced against persons violating this provision.

The 12th clause of the Act which authorizes the substitution of various punishments for that of whipping in the case of male slaves, does not require that a record should be made of such substituted punishments. Although I apprehend that the order itself must be understood as requiring the record of every description of punishment, yet to avoid misconception the rule should have been expressly laid down in the Act under consideration. The Order in Council prevents the infliction of punishments with the whip with improper frequency ; but under this Act the substituted punishments might be inflicted without any interval between successive inflictions, so as in some possible cases to aggravate the amount of suffering far beyond those limits within which domestic discipline should be confined. Some interval should therefore be fixed.

The provision in the same clause numbered 12, under which the fiscals are authorized to inflict a greater punishment than may lawfully be inflicted by the domestic authority of the owner, is plainly objectionable. It is impossible to recognize a class of offences at once too grave for the domestic forum, and too light for the judicial tribunal,—offences which are to be punished by the magistrate without being previously defined by the law. Such rules rather confound than establish solid distinctions between different degrees of criminality.

The 15th clause regulates the mode of proceeding for recovering penalties under the Order in Council by reference to an earlier act of the Court of Policy, dated the 9th of May 1829. This is an inconvenient mode of legislation. It was desirable that this mode of proceeding under the Order of the 2nd of February should be described in detail, because the whole of the slave-code would then have been brought

brought together, and because in any such re-enactment, provision might have been made for recovering the smaller fines imposed by the Order in Council with greater ease and promptitude than are compatible with an exact observance of the Act of May 1829.

DEMERARA.

His Majesty is pleased, for the reasons which I have assigned, to disallow so much of the preamble of the Act of the Lieutenant-Governor and Court of Policy, as I have noticed in the commencement of this despatch, with those provisions to which I have adverted in the 2nd, 10th, 12th and 15th clauses of that Act. It will probably be convenient that the Act itself should be repealed, in order that it may be promulgated anew with the correction of the objectionable enactments.

With reference to the Proclamation issued by yourself in execution of the powers intrusted to you by the Order of the 2nd of February, I have in the first place to observe, that each successive clause should recite at length the words of the Order in Council, in pursuance of which it is promulgated.

The first paragraph of the Proclamation authorizes the protector to administer oaths. The necessity or propriety of such a regulation may perhaps be doubtful; but without considering that question, it is enough to say, that I do not find in any part of the Order in Council any provision which authorizes the Governor to make regulations of such a nature as this.

So also the declaration of the second clause of the Proclamation respecting the use of butchers shops in the market-place on Sundays, is unauthorized by any power conferred upon the Governor in the Order in Council. Indeed it is superfluous in itself, since the Order has virtually established the same rule.

The 4th section, after enumerating certain specific works of necessity which may be exacted from slaves on a Sunday, proceeds to authorize "every other description of labour, which though not specified in terms in the preceding exceptions, is of the same general nature, and referrible to the same general principle." This is not a sufficient execution of the powers which are vested in you by the Order in Council. That Order lays down the general principle of the lawfulness of Sunday labour when necessary, requiring you to define that necessity with all possible precision; whereas your definition does but repeat the same general rule, with some particular illustrations of its meaning. The precise and only object with a view to which this power was committed to the Governor was that the generality of the law might be narrowed and drawn out into the necessary detail. I can readily understand the difficulty you may have felt in stating at first, and by anticipation, every case in which the general principle of abstinence from labour on Sunday should be relaxed; still I do not perceive why that difficulty should be avoided by general words, when it might be surmounted by additional proclamations, to be issued as occasion should require, and further experience suggest.

The same Section renders Sunday labour in potting sugar, picking coffee and cotton, and turning and drying coffee or cotton, a matter not of choice but of compulsion. After giving every attention to the remarks which you have made on this subject, I cannot concur in your opinion that the slave should be deprived of his free agency upon the question of engaging systematically in any kind of agricultural labour on Sunday. How far it is necessary for the preservation of the crops that any of the operations to which I have adverted should be performed on a Sunday, is a question, to the solution of which an exact knowledge of many local circumstances is requisite. You will call upon the protector of slaves to report to you his opinion whether they are not operations which might be safely and properly postponed. If he shall be of opinion that the necessity really exists, and if you shall find cause to concur in that opinion, you will then re-model the Proclamation in such a manner as shall permit the slaves, with their own consent, and on receiving a fair remuneration, to discharge this labour. If, on the contrary, it shall be the opinion either of the protector or of yourself, that the operations in question might be omitted on Sunday without irreparable injury to the crops, then you will revoke the provision altogether.

In the 5th Clause of the Proclamation some Rule is wanting to prevent the infliction of successive punishments on females without a due interval between them. Moreover, the punishments of stocks during the night, and of confinement during the hours of noon with task-work, are objectionable, because they diminish that degree of repose which is absolutely essential to enable a woman to undergo her daily labour in the field with a due regard to health.

The Clause numbered 6, is open to the same objection which I have already made to the 12th Clause of the Act of the Court of Policy.

DEMERARA.

The fees which the appraisers of slaves are authorized by the 7th Clause to demand, are far too high. In a case where an umpire should be called in, the fees under the Clause, as now framed, would not be less than 15*l.* and might be as much as 30*l.* The effect of such an additional burthen on the slaves must be to defeat the law of compulsory manumission to a very great extent. The largest sums which can properly be allowed are 15 guilders for each arbitrator, and 20 for the umpire.

The same Clause authorizes the marshal and the president's secretary to receive in cases of manumission the same fees which they receive in ordinary civil processes. As all duties connected with civil process, or the administration of justice, will, under the new judicature of British Guiana, be remunerated by salaries alone, the functions which this Clause contemplates must henceforth be discharged by the proper officers, without any fee or gratuity whatever.

The 10th Clause confines all prosecutions under the Order in Council by a limitation of 12 months. Without denying the propriety of fixing some limit, I do not think that the Order in Council has invested the Governor of the colony with the right of determining that question.

You will therefore revoke this Proclamation, which for the reasons already explained His Majesty cannot allow, and you will substitute for it a new Proclamation, in which the various corrections I have pointed out will be introduced.

I have, &c.

Sir B. D'Urban, K. C. B.
&c. &c. &c.

(signed) *G. Murray.*

B E R B I C E.

— No. 15. —

COPY of a DESPATCH from Lieutenant-Governor *Beard* to Secretary
Sir George Murray, dated 15th April 1830 ; with two Enclosures.

Sir,

Berbice, 15th April 1830.

BERBICE.

I HAVE had the honour to receive your Despatch, dated 9th February last, transmitting an authenticated copy of an Order, dated 2d February, of the King in Council, consolidating the several ordinances passed in the respective Crown colonies for ameliorating the condition of the slave population. I have also received your Despatch, No. 42, dated 12th February, conveying an Order of the King in Council revoking an order made by his Majesty, on the 18th March, confirming the compulsory manumission clause in the Berbice Ordinance of 25th September 1826 ; and I also have received your Despatch, No. 43, dated 4th March, directing me, with a view to uniformity of regulation between Berbice and Demerara, when united, to communicate with Sir B. D'Urban on the subject of the ordinance which he proposes to issue in virtue of the discretion which the Slave Order has vested in him, and endeavour, in concert with him, to frame such regulations as may be equally applicable to both colonies, with such variations only as local differences may require. For this purpose it is necessary that I should have an early personal interview with Sir Benjamin D'Urban ; and therefore I addressed a letter to his Excellency on this subject the 13th instant, a copy of which I have the honour to enclose. Before my letter could have reached Demerara I received a communication from Sir Benjamin D'Urban, urging me to join him in Demerara, in order the more conveniently to take these matters into consideration ; and therefore, as I find it is absolutely necessary that I should do so, it is my intention to proceed thither to-morrow ; but for this purpose I am obliged to postpone the ordinary session of the Court of Justice.

The short time limited by the King's order for proclaiming it leaves me no alternative, and therefore I hope I shall be honoured by your approval of my proceedings.

I yesterday laid before the Council (whom I had specially convened for the purpose) the consolidated Slave Laws, and your Despatch of the 9th February ;
and

and I now have the honour to transmit an exact Minute of the proceedings in Council thereon. As many of the important clauses in both the Demerary and Berbice Ordinances are omitted in the King's Order of the 2d February, I fear that some difficulties respecting them may occur; I however shall, in conjunction with Sir Benjamin D'Urban, endeavour to overcome them as far as possibly can be done.

BERBICE.

I have the honour to be, Sir,

Your most obedient humble servant,

H. Beard.

To the Right hon. Lieut.-Gen.

Sir George Murray, G. C. B.

Secretary of State for the Colonies,

&c. &c. &c.

Enclosure 1, in No. 15.

Sir,

King's House, Berbice, 13th April 1830.

I HAVE had the honour to receive from the Secretary of State for the Colonies an authenticated Order of the King in Council, dated 2d February last, consolidating the several Ordinances recently passed in the Crown Colonies for ameliorating the condition of the slave population therein. This Order was accompanied by a Despatch, dated 9th of that month, containing voluminous instructions respecting the measures to be adopted for giving practical effect to the order in this colony.

I have since received a Despatch from Sir George Murray, dated 4th March (a copy of which I now have the honour to transmit to your Excellency), instructing me to communicate with your Excellency on the subject of the Ordinance which you propose to issue in virtue of the discretion which the Slave Order has vested in your Excellency, and to endeavour in concert with your Excellency to frame such regulations as may be equally applicable to both colonies, with such variations only as local differences may require.

By this Instruction I apprehend that I cannot proceed to frame any of the regulations required by the Ordinance, and Sir George Murray's Despatch of the 9th February, until I shall have had the honour to receive from your Excellency the information pointed out by Sir George Murray's Despatch of 4th March.

It seems to me that the several regulations required can hardly be settled within the time limited for putting the Order of the King in Council by Proclamation in operation; nor do I think it possible that your Excellency and myself could satisfactorily enter upon all the details necessary to be considered on this subject in any other manner than by a personal interview; and therefore, however inconvenient it may be to me to do so, yet I will do myself the honour of thus communicating with your Excellency in Demerara, whenever your Excellency may deem it expedient that for this purpose I should visit your colony. I am extremely anxious to act as far as it is possible in perfect accordance with your Excellency on this important matter, and shall therefore be greatly obliged by your Excellency informing me as early as possible, whether it is your Excellency's intention at once to proclaim the King's Order, and frame the regulations founded upon it on mature deliberation afterwards, or proclaim the order and regulations simultaneously. I should think, with deference to your Excellency, that the regulations respecting the markets are all that would be absolutely necessary immediately, because the Sunday markets must cease fourteen days after the proclamation of the order. If, therefore, your Excellency concur with me on this point, I should think they could very easily be prepared, and the King's Order could then be proclaimed without delay.

Your Excellency's opinion on these regulations will of course be important to me. I have summoned my Council to meet to-morrow, to take the King's Order into consideration, for the purpose of obtaining their local information on the several subjects connected with it; and the result of their deliberations I will transmit to your Excellency.

I have the honour to be, Sir,

Your most obedient humble servant,

H. Beard.

To his Excellency

Major General Sir B. D'Urban, K. C. B.

Lieutenant Governor, &c. &c. &c.

Demerara.

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Enclosure 2, in No. 15.

EXTRACT from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

(After prayers.)

Wednesday, 14th April 1830.

His Excellency the Lieutenant-Governor said he had specially convened the Council to day for the purpose of laying before them an Order of the King in Council, dated the 2d of February last, consolidating the several slave-ordinances that had been passed in the respective Crown Colonies, and amongst them the slave-ordinance passed in this colony on the 25th September 1826. His Excellency also laid before the Council a Despatch from the Secretary of State for the Colonies, dated the 9th February 1830, transmitting the King's Order in Council of said 2d February last, and containing voluminous instructions respecting the mode to be adopted in carrying the King's Order into effect.

His Excellency then entreated the Council to take these important subjects into immediate consideration, and afford him such assistance and advice as their local experience and knowledge enabled them to do.

The Despatch and Order in Council having been read, the Council observed that as the Despatch embraced such a variety of subjects, it was impossible for them immediately to offer his Excellency any advice or information thereon. They therefore requested to be furnished with a copy of the Secretary of State's Despatch of the 9th February, and a perusal of the King's Order in Council therein referred to, in order to enable them to give these important matters their serious attention, which they would immediately do. The Council at the same time concurred with his Excellency in opinion, that as the time limited in the King's Order for proclaiming it was so short, that it would be better to promulgate it with only a Proclamation respecting the abolition of the Sunday markets, and leave the other regulations arising out of the Order for consideration and future proclamation.

His Excellency then directed the secretary to prepare and give to the members copies of Sir George Murray's Despatch of 9th February, and also to hand to them the copies of the King's Order in Council, now laid before the Council by his Excellency the Lieutenant-Governor.

In my presence,
Ja^s Shanks,
 Dep^y Sec^y.

H. Beard, A. R. Hollingsworth,
W^m Scott, J. Barré Phipps.
Charles Kyte,

(A true Extract)

Ja^s Innes, Col^l Sect^y.

— No. 16. —

COPY of a DESPATCH from Lieutenant-Governor *Beard* to Secretary *Sir George Murray*, dated 15th May 1830; with 3 Enclosures.

Sir,

Berbice, 15th May 1830.

WITH reference to my Despatch which I had the honour to address to you on the 15th April last, I now have the honour to report that I proceeded to Demerara and consulted with Sir B. D'Urban, in pursuance of your instructions of the 4th March, respecting the Ordinance which he proposed to issue in virtue of the discretion which the slave-order had vested in him; and of endeavouring in conjunction with him to frame such regulations as may be equally applicable to both colonies. After communicating with Sir B. D'Urban, I obtained from him a copy of the re-enactments which had been agreed to between himself and the Court of Policy, and also a copy of Sir B. D'Urban's Proclamation to be issued in pursuance of your instructions which accompanied the King's Order in Council of the 2d February. Having agreed with Sir B. D'Urban that the Demerara re-enactments and his Proclamation should be published simultaneously with those for
 Berbice,

Berbice, and my own Proclamation to be framed as nearly as possible with those agreed upon for Demerara, I immediately returned to this colony, and called the Council together for the purpose of taking these important matters into immediate consideration; and I now have the honour to transmit an extract Minute, dated 27th April, of the Council's proceedings thereon. I also have the honour to transmit a copy of an Act to re-enact and amend certain clauses of an ordinance for promoting the religious instruction and bettering the condition of the slave population in His Majesty's colony of Berbice, and a copy of my Proclamation. It will be seen that these documents correspond as nearly as possible with those framed for Demerara. The variations* are pointed out by being underlined with red ink.

The regulations for the performance of works of necessity on Sunday, and the punishments substituted in lieu of whipping females, have been framed with as much precision as possible under existing circumstances; it will however be my duty to exercise the authority vested in me for altering them or making other regulations, should experience point out the necessity for so doing.

The punishment of females by imprisonment on Sunday has been abolished.

One great point has been gained on behalf of the slaves by these re-enactments, inasmuch as the hours of repose at night have been clearly and distinctly defined, and the proper limits to the employment of slaves in boiling sugar at night have been prescribed.

In the hope that my proceedings in these important and delicate matters will be approved, and that I shall have the honour to receive your early confirmation thereof,

I have the honour to remain, Sir,

Your most obedient humble servant,
H. Beard.

To the Right honourable
Lieut.-Gen. Sir Geo. Murray, G.C.B.
Secretary of State for the Colonies,
&c. &c. &c.

Enclosure 1, in No. 16.

EXTRACT from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Tuesday, April 27th, 1830.

His Excellency the Lieutenant-Governor observed, that he had convened the Council for taking into further consideration the order of the King in Council of the 2d of February last, consolidating the several slave-ordinances which had been recently passed in the Crown Colonies, and also the Despatch, dated the 9th February, from the Secretary of State, which transmitted that order. The King's Order and the Secretary of State's Despatch had been laid before the Council on the 14th instant. His Excellency said, that since that time he had, in pursuance of instructions under date the 4th March from the Secretary of State, communicated on these subjects with Sir Benjamin D'Urban, in order to make the measures necessary to be adopted in the two colonies as consistent as possible when the intended union should take place. For this purpose his Excellency had been obliged to proceed to Demerary personally to confer with Sir Benjamin D'Urban, and from whence he had only just returned. It appeared to be the opinion of Sir Benjamin D'Urban and the Court of Policy, that it was absolutely necessary to re-enact some of the clauses of their slave-ordinance of the 7th September 1825 immediately, in order that they might go forth simultaneously with the King's Order, and thus prevent any erroneous impressions being made on the minds of the slaves that they had been deprived by the local authorities of benefits which they had before possessed, or that the King had intended to convey further privileges to them, but which the Colonial government withheld. His Excellency said that he had concurred in this opinion, and had obtained from Sir Benjamin D'Urban a copy of his Excellency's Proclamation, also copies of the re-enactments agreed to by the Court of Policy, which he now laid before the Council, and requested that they would be pleased to take them into immediate consideration, and afford him their advice and assistance in carrying the King's Order and the Secretary of State's Instructions into effect in the safest and most satisfactory manner. His Excellency said that he had framed

* The variations are printed in Italics.

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his Proclamation, which he was instructed to issue as nearly as possible in accordance with that intended to be issued by Sir Benjamin D'Urban, and he now laid a draft of it before the Council, and would be happy to receive from them any observations thereon which their local experience might suggest. His Excellency's draft of proclamation was then read, when the Council observed, that they thought there must be some mistake in that of Sir Benjamin D'Urban, from which the proclamation now submitted was principally framed, inasmuch as wages were directed to be paid for labour of absolute necessity arising out of accidents which were not under the control of the proprietors. It was clear that slave-labour on Sunday, from necessity arising out of a course of husbandry and manufacture, was to be paid for in suitable wages. The Council further observed, that they thought Sir George Murray's Instructions of the 9th February were clear and explicit on this point; and therefore they respectfully submitted to his Excellency the necessity of amending his draft of proclamation in this respect, to which his Excellency was pleased to accede.

His Excellency then laid before the Council the draft of an Act for re-enacting and amending certain clauses of the Berbice slave-ordinance of 25th September 1826, and observed that he had directed this draft to be framed as nearly as possible to that of Demerary; the only material variance was respecting slave evidence, the admission of which was somewhat qualified in Demerara; but his Excellency said that the 70th clause in the King's Order in Council on this very important subject was so very clear, distinct and positive, that he would not consider himself justified in at all interfering with it. The Council concurred with his Excellency in this opinion; the several proposed re-enactments were then read, discussed and passed, and ordered to be printed, with the King's Order in Council and his Excellency's Proclamation, next Saturday.

A true Extract,

James Innes, Col^l Secretary.

Enclosure 2, in No. 16.

AN Act to re-enact and amend certain Clauses of an Ordinance for promoting the religious instruction, and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.

PUBLICATION by His Excellency *Henry Beard*, Esq., Lieutenant Governor and Commander in Chief in and over the Colony of Berbice, and its Dependencies, &c. &c. &c., President in all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. &c. and the Honourable the Council of Government of said Colony.

WHEREAS by an Order in Council bearing date the 2d day of February 1830, the King's most Excellent Majesty was pleased to revoke and annul an Ordinance for the religious instruction of Slaves in His Majesty's colony of Berbice, dated the 25th day of September 1826, together with all laws, ordinances and proclamations passed, enacted or promulgated within the said colony for the explanation or amendment of the said Ordinance:

And whereas the Right honourable the Secretary of State for the Colonies by his Despatch to his Excellency the Lieutenant Governor, bearing date 9th February 1830, has conveyed his Majesty's authority in furtherance of the said Order, to re-enact and amend certain clauses of the said Ordinance of the 25th September 1826, which are highly necessary, and important to the well being and protection of the slave population in this colony;

In pursuance therefore of such authority we have deemed it necessary and expedient to re-enact and amend as follows:

1. It is hereby ordered, for the purpose of securing the impartial execution of justice in all cases in which slaves may be parties concerned, that whenever it may become the duty of the fiscal to institute a criminal prosecution against a slave, (which prosecution is always to be carried on as heretofore in the same manner as against every person of free condition,) it shall be his duty when applying to the court of justice, or in non-session, to the president of said court, for authorization to institute

institute such criminal action, suit and prosecution, to demand at the same time the appointment of one or more advocates (according to the nature of the charge) to defend such slave in the suit to be commenced against him; when it shall be the duty of the court of justice, or the president thereof, to whom the application is made, to appoint such advocate or advocates without any delay: Provided always, that such advocates shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the criminal law, and the practice thereof, as it is established in this colony, if the party accused and under trial were a person of free condition. And in order to secure the zealous and active exertion on the part of such advocates in the defence of such slave or slaves, they shall be entitled to such fees as shall have been taxed and certified by the court of justice as due to them, the amount whereof shall be ordered by the *Lieutenant Governor in Council* to be paid to them out of the colonial *treasury*, on proper application being made for the same.

2. And it is hereby further ordered, that the exemption of labour secured to the slaves by the 17th section of the said Order in Council shall not authorize them to leave the estates to which they belong without having thereto obtained permission from their owner, manager or employer, but that they shall during that period continue to remain subject to such regulations as are established by law, as well for their own protection as for the preservation of good order, and the general tranquillity of the colony; nor shall it extend to prevent weekly allowance, and rations being delivered to the slaves on Sunday morning, which, however, may not be protracted beyond the hour of eight, A. M.

3. And it is further ordered, that every female slave who may have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his or her attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear, and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the direction of this clause, he or she shall incur a penalty of 20*l.* for every such offence. And it is further ordered, that as soon as any female slave shall have six children living, and who have been born during marriage, or such cohabitation as aforesaid with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female slave shall not thereafter oblige such female slave to do any labour in the field, or any other than light work, under a penalty of 20*l.*

4. Every planter or proprietor of slaves shall take the necessary precaution that his or her slaves be properly supplied with provisions, and shall therefore be obliged to have provision-grounds prepared on the estate, and properly planted, calculating one acre for five negroes; allowing moreover a reasonable weekly allowance, according to the custom of the colony, and as may best be obtained; and also to provide them with proper clothing, *according to the custom of the colony*, under a penalty of 5*l.* for every acre less in provisions than required, and 10*l.* for every slave who shall not have been properly supplied with his or her allowance, or his or her clothing. Provided always, that whenever the provision-grounds to be upon an estate shall be inadequate to furnish the requisite provisions, for the due subsistence of the negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision-grounds as aforesaid; but such proprietor, or his or her representative, shall in lieu thereof purchase or otherwise procure such an equivalent supply of provisions as may be proper for their support.*

5. And be it further ordered, that the hours for field-work of slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of 20*l.*; and that with regard to slaves employed *in and about the buildings for the manufacturing and* preserving of crops, there shall be allowed at least eight hours of rest, not less than six hours of which shall be between sunset and sunrise, and the whole eight hours without interruption, under a like penalty of 20*l.*

6. And it is further ordered, that every proprietor of slaves, or his or her attorney, shall employ a legally-qualified medical practitioner, *duly authorized to practise by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor*, to attend their sick slaves, and shall provide such medicines, food, and other necessaries, as such medical practitioner shall from time to time reasonably order and direct, and that there shall be on every estate or place where the slaves (*other than domestic slaves*)

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slaves) usually reside, a commodious hospital or sick-house, furnished with proper conveniences and attendants for the sick, under a penalty of 40*l.* And that a book or register shall be kept in every *such* hospital, in which the names and treatment of all *such* slaves shall be respectively entered by the medical attendant; and in case any *such* medical attendant shall omit, or refuse to make such entries as aforesaid, from time to time, he shall incur a fine of 1*l.* for each and every *such* offence.

7. And it is further ordered, that no person shall under a penalty of 30 *l.* bury, or allow to be buried, any slave who has died suddenly, or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil magistrate* of the district in which *such* death took place, or if this be impracticable, to some other respectable inhabitant, who shall with some legally-qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil magistrate* of the said district; or if it should happen, as it possibly may in particular cases of death, under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every *such* case, some proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said *civil magistrate*, in support thereof, the person offering *such* proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed; and in every *such* case the said *civil magistrate* shall forthwith transmit to the fiscal the said certificates, or other the proof hereinbefore required.

8. And in order to prevent any irregularities tending to the prejudice of the slave by persons employing the slaves of others without their owners consent, which it is highly necessary to guard against, it is hereby further ordered, that no slaves shall or may be lawfully hired or employed in the service of any person or persons except his or their owner, manager, or other person having the charge of them, unless with the special consent in writing of such owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of slaves, shall for every slave so unlawfully hired or employed incur and be liable to a fine of 5*l.*

9. And it is hereby further ordered, that a savings bank shall be established in this colony for the better preserving the property of any slaves therein, and that interest at the average rate of 5*l.* per cent shall be allowed upon any sum of money which may be deposited in any *such* savings bank; and any slave making any deposit of money in *such* savings bank, shall bequeath the said money to whomsoever he or she may please in case of his or her death, by a declaration to be lodged in the records of the bank, which declaration shall be equivalent to a will; the whole, however, to be subject to *such* rules and regulations as may be hereafter deemed advisable; *such* savings bank to be under the immediate direction of the protector or deputy-protector of slaves (as the case may be) subject to the general superintendence of the Lieutenant-Governor, or acting Lieutenant-Governor, and the Council of Government.

10. And whereas the said Order in Council does not include certain salutary regulations contained in the before-recited ordinance passed in this colony on the 25th September 1826, respecting the time and place of inflicting the punishment of flogging on male slaves, it is therefore hereby further ordered, that it shall not be lawful to inflict on any male slave the punishment of flogging until after sunrise of the day next following that on which the offence has been committed, for or in respect of which any *such* punishment may be inflicted, nor shall any *such* punishment be inflicted, but at or near the buildings of the estate.

11. And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner or manager to impose any or either of the following punishments upon any male slave or slaves for any offences to be hereafter committed by *such* male slave or slaves in lieu of the punishment of flogging, it shall be lawful for *such* owner or manager so to do, complying in all respects with the provisions hereinafter mentioned.

Solitary Confinement.—With or without work in any fit and proper place, on any estate or in any place in the said colony, provided that *such* place be approved by some

some duly-licensed medical practitioner in the said colony, by certificate in writing under his hand, such certificate to be duly entered in the record-book on every plantation, if in the country, and if in town, by some duly-licensed medical practitioner and the fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

Public Stocks.—*For the confinement of the hands or feet during the day, not longer than three hours for each offence; such stocks to be under cover in some conspicuous place near the buildings, and that such punishment shall be only inflicted between the hours of sunrise and sunset.*

Field Stocks.—For the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed thirty minutes.

House Stocks.—For the hands or feet, with seats, during any period of the day, provided that for each offence the period of confinement shall not exceed six hours.

Bed Stocks.—For confinement of the feet during the night.

Hand Cuffs.—

Distinguishing Dresses,—to be used either with or without the stocks.

Distinguishing Marks, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government, and as well as the handcuff, to be very light so as not to injure the skin.

Confinement, either solitary or otherwise during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment either solitary or otherwise, where such confinement shall exceed the period of 12 hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every 12 hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights, nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence, nor shall any of the punishments herein specified, be exceeded under a penalty not greater than 40 *l.* and not less than 10 *l.* And no other mode of punishment than is specified herein *in lieu of the punishment of flogging* shall be inflicted on any male slave under a penalty not exceeding 50 *l.*, nor less than 20 *l.*

And it is hereby further ordered, that if any offence to be hereafter committed by any male slave in the said colony, shall be of such a nature and of such an extent as in the opinion of his or her owner, or of any person under whose charge such slave may be placed, to require greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall in writing give information in such case to the *civil magistrate of the district*, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the colony.

12. And it is hereby further ordered, that the protector of slaves shall proceed for the recovery of all fines or penalties in the same manner as the fiscal is authorized to proceed for the enforcement of pecuniary penalties, *according to the existing laws of the colony.*

And it is hereby further ordered, that the protector of slaves shall institute all proceedings in prosecution under this Act *in his own name*, and the same shall be conducted *by some legally-qualified person*, duly authorized thereto by the President of the Court of Justice; and the protector of slaves and assistant protectors shall have the like powers as the fiscal to procure evidence and enforce the attendance of witnesses, according to *the existing laws of the colony*; provided also, that all prosecutions under this Act shall be commenced within 12 calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized shall be deemed and be taken to be a commencement of such prosecution.

13. And it is hereby further ordered that all fines imposed by this Act shall be taken to be so imposed in British sterling money.

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And it is hereby further ordered, that the provisions of this Act shall take effect and be in force 14 days from the date of publication hereof.

And that no ignorance may be pretended of the several orders contained in this our Act these presents shall be published as customary.

Thus done and enacted at an extraordinary meeting of the Honourable Council of Government, held at the King's House, New Amsterdam, Berbice, this 27th day of April 1830; present, His Excellency the Lieutenant Governor, and the honourable members Wm. Scott, Charles Kyte, A. R. Hollingsworth, Isaac Barrè Phipps, and D. Fraser; absent, James Culley.

By command,

(signed) *Jas. Shanks*, Dep. Secretary.

A true copy.

Jas. Innes, Col^l Secty.

Enclosure 3, in No. 16.

PROCLAMATION by his Excellency *Henry Beard*, Esq. Lieutenant Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. &c. President in all Courts and Colleges within the same, sole Judge of the Vice-Admiralty Court, &c. &c. &c.

Berbice.
(L. s.)
Henry Beard.

WHEREAS by an Order of *his most Excellent Majesty the King* in Council; bearing date the 2d day of February 1830, the *Lieutenant Governor* of this colony is required to issue certain Proclamations;

I do *therefore* in pursuance thereof issue this my Proclamation, ordering and directing,

1st. That with reference to the 8th clause of the said Order in Council, the said protector or assistant protectors of slaves shall have power to administer an oath in all matters relating to the duties of their office.

2dly. *And I hereby* further direct, with reference to the 16th clause of the said Order in Council, that Saturday in each week shall be a day for holding markets at all places within this colony at which it hath heretofore been customary to hold markets on Sunday, and that the said markets shall be held and continue from sunrise until the hour of five in the afternoon.

3dly. *And I do* further declare, that the following shall be considered works of necessity under the 20th section of the said Order in Council: Labour performed by nurses in hospital, by watchmen, and by persons engaged in the interment of the dead; such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature; every other description of labour which, though not specified in terms in the preceding exceptions, is of the same general nature, and referable to the same general principle, all labour undertaken for the preservation of the crops upon any estate, under the following provisions:

That in order to avoid all ambiguity in explaining the term "preservation of the crops," it is to be well understood, that on sugar estates it shall mean nothing more than potting the sugar made by boiling-off the cane-juice that may have been expressed at the time of sunset on any Saturday; that on coffee and cotton-estates it shall mean, 1st, the turning and drying of coffee or cotton already housed, and in a state of preparation, but not cured; 2dly, the picking of coffee or cotton during the crop, when, from its ripening suddenly, and from the unfavourable season, it would be totally lost if not immediately picked:

That the labour of picking coffee and cotton, the potting of sugar, the turning and drying of coffee or cotton, *are to* be performed for wages, which are to be paid to the slave himself or herself:

That the rate of these wages shall be fixed by the protector of slaves, who shall from time to time, by notices publicly given, signify the lowest rate of wages payable to the slaves for such labour:

That

That any person or persons, being the owner or manager of such slave or slaves as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the protector of slaves, shall for every such offence incur and become liable to a fine of 3*l*.

4thly. And I do further declare, that the following shall be the nature and extent of the punishments to be substituted for the punishment of whipping in the case of female slaves, under the 25th section of the said Order in Council.

Solitary confinement, with or without work, in any fit and proper place on any estate or in any place in this colony; provided that such place be approved by some duly-licensed medical practitioner in this colony, by certificate in writing under his hand; such certificate to be duly entered in the record-book on every plantation, if in the country, and if in town, by some duly-licensed medical practitioner and the fiscal, to be duly recorded in the office of the said fiscal; and provided, that for each offence the period of detention in such solitary confinement shall not at any time exceed three days.

Field-stocks, for the confinement of the hands during the hours of labour in the field, provided that for each offence the period of confinement shall not at any one time exceed 30 minutes.

Public Stocks, for the confinement of the hands or feet during the day, not longer than three hours for each offence; such stocks to be under cover in some conspicuous place near the buildings, and that such punishment shall only be inflicted between the hours of sunrise and sunset.

House-stocks, for the hands or feet, with seats, during any period of the day; provided that for each offence the period of confinement shall not exceed six hours.

Bed-stocks, for the confinement of the feet during the night.

Hand-cuffs.

Distinguishing Dresses to be used either with or without stocks.

Distinguishing Marks to be suspended from the necks by collars, and secured by padlocks; the collars and marks to be made of tin, and to be of a form approved by the Government, and, as well as the handcuffs, to be very light, so as not to injure the skin.

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task-work during such confinement: Provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the slave in confinement shall be supplied with a sufficient quantity of prepared farinaceous food at least once in every twelve hours, and with a proper supply of good water.

The punishment by bed-stocks shall not exceed six nights, or three days and three nights; nor shall more than one of the modes of punishment hereby authorized be inflicted for the same offence; nor shall any of the punishments herein specified be exceeded, under a penalty of not greater than forty pounds, and not less than ten pounds; and no other mode of punishment of females than is herein specified shall be inflicted, under a penalty not exceeding fifty pounds nor less than twenty pounds; provided, however, that nothing herein contained extend or shall be construed to extend to prevent any master, owner or manager of any female slave under the age of ten years, causing her to be punished and corrected for any faults or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this colony.

Provided also, that nothing herein contained shall authorize any manager to inflict any of the above punishments on any female slave on any Sunday throughout the year.

5. And I hereby further order, that if any offence to be hereafter committed by any female slave in this colony shall be of such a nature and of such an extent, as in the opinion of his or her manager to require greater punishment and correction than such manager is empowered to inflict, such manager shall in writing give information in such case to the *civil magistrates of the district*, whose duty it shall be, after due investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, either by an extension of some one

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or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the colony.

6. And I hereby further order, that the following fees may be charged under the 66th section of the Order in Council; viz. by the president's secretary for copies of all documents or orders issued by the president at and after the rate now paid by tariff to the said secretary, and also by the marshal the fees now charged by him for services in ordinary civil process; and that each appraiser shall be allowed a sum not exceeding ten pounds nor less than five pounds, the amount thereof to be determined in each case by the President of the Court of Justice.

7. And I hereby further order *and direct* that the protector of slaves shall conduct all prosecutions for misdemeanours under the said Order in Council, *according to the existing laws, regulations, rules and usages of this colony*; and that for all fines incurred under this order, not included in offences declared to be misdemeanours, the protector of slaves shall proceed for the recovery thereof in the same manner as the Fiscal is *now* authorized to proceed for the enforcement of pecuniary penalties, *according to the existing laws, rules, regulations and usages of the colony*. And in bringing and defending any civil action on behalf of any slave or slaves, the protector shall apply to the President of the Court of Justice for an order *pro Deo*, and the President shall grant the same, if he deems such slave or slaves to be entitled to such order, and also to have good, just and legal grounds of suit or defence. And all prosecutions against any protector or assistant protector of slaves shall be carried on by the Fiscal *according to the existing laws, rules, regulations and usages of the colony*.

8. And I hereby further order, that the protector of slaves shall institute all proceedings in prosecutions under the said Order in Council in *his own name*, and the same shall be conducted by *some person on his behalf, duly authorized* thereto by the President of the Court of Justice, and *according to the existing rules* for criminal trials. And the protector and assistant protectors of slaves shall have the like powers as the Fiscal to procure evidence and enforce the attendance of witnesses.

Provided also, that all prosecutions under this Order in Council shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.

And I hereby further order that the report of the protector of slaves, agreeably to section 80 of the Order in Council, shall be in a certain form already transmitted to me by His Majesty's principal Secretary of State for the Colonies.

9. And it is hereby further ordered, *that all and every the fines, forfeitures and penalties hereinbefore imposed, shall be recovered on complaint to the protector of slaves as an officer of the colony, for the special purposes of matters arising out of these regulations, who shall bring the aforesaid claim and levy of forfeitures and penalties before the Honourable the Court of Justice in the usual and ordinary manner, as in the case of other Fiscal actions; provided nevertheless, that in any case in which the protector of slaves may become liable to be prosecuted under this Act, that it shall and may be lawful for the Lieutenant-Governor or acting Lieutenant-Governor for the time being to appoint such person as he may see fit for the purpose of conducting such prosecution; provided also, that all such prosecutions under this Act shall be commenced within twelve calendar months after the commission of the offence; and the information and proceeding thereon before a person properly authorized, shall be deemed and be taken to be a commencement of such prosecution.*

10. And I further direct and order, with reference to the 81st clause of the said Order in Council, that the districts of this colony shall remain the same as at present established.

Given under my hand and seal at arms, at the King's House, New Amsterdam, Berbice, on the 27th day of April, in the year of our Lord 1830, and of his Majesty's reign the eleventh.

God save the King.

By his Excellency's command,

Charles Bird, Gov^t Sec^y.

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—No. 17.—

COPY of a DESPATCH from the Officer administering the Government, to
Secretary Sir *George Murray*, dated 7th April 1830.

Sir,

St. Lucia, 7th April 1830.

I HAVE the honour to acknowledge your letter of 5th February last, accompanied by an Order of His Majesty in Council, respecting compulsory manumission in the colonies of Berbice and Demerary; and also three printed copies of the Order in Council of the 2d February last, consolidating the slave-laws in several colonies therein mentioned (for the public officers of this colony,) and one copy authenticated by the signature of the clerk of the Council, for the information and guidance of the Governor.

I have also the honour of acknowledging the receipt of your letter of 18th February, containing further instructions upon the same subject, to all of which the most implicit and immediate attention shall be given.

In the mean time I have the honour to be, &c.

(signed) *J. A. Farquharson*, Col.

Administering the Government.

To the Right Hon.

The Principal Secretary of State for the Colonies,
&c. &c. &c.

—No. 18.—

COPY of a DESPATCH from the Officer administering the Government, to
Secretary Sir *George Murray*, dated 1st May 1830; with One Enclosure.

Sir,

St. Lucia, 1st May 1830.

HEREWITH I have the honour of transmitting an Ordinance, as described in the margin, which I trust may meet your approval.

I have, &c.

(signed) *J. A. Farquharson*, Col.

Administering the Gov^t.

To the Right Hon.

The Principal Secretary of State for the Colonies,
&c. &c. &c.

First Subsidiary Ordinance to His Majesty's Order in Council establishing a Consolidated Slave Law.

(Enclosure.)

First Subsidiary Ordinance to His Majesty's Order in Council, establishing
a Consolidated Slave Law.

Saint Lucia.

By his Excellency *James Alexander Farquharson*, Colonel, commanding His Majesty's Forces in the Island of St. Lucia, and administering the Civil Government thereof, &c. &c. &c.

James Alexander Farquharson.

WHEREAS His Majesty hath by his Order in Council, dated at the Court at Windsor on the 2d February last, amending and consolidating the Slave Laws throughout several British colonies, been graciously pleased to direct, with a view
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of conforming as nearly as may be to the laws and usages of said colonies, that the respective governors thereof shall by Ordinances and Proclamations to be by them from time to time issued, make certain subsidiary provisions and regulations for the due enforcement of the said Order in Council.

It has in consequence become necessary to make such provisions and regulations with respect to the colony of St. Lucia, and therefore his Excellency Colonel James Alexander Farquharson, commanding His Majesty's Forces, and administering the civil government of St. Lucia, having submitted the whole subject to the consideration of the Council of Government of St. Lucia, hath been pleased by and with their advice to order and direct as follows :

1. That conformably to the direction set forth in the 4th section of the said Order in Council, the office hours for the protector and his assistants shall be from eight o'clock in the morning to two in the afternoon, on every day in the year except Sundays and festivals.

2. And whereas by the 9th section of said Order in Council, no protector or assistant protector can act as a magistrate, or otherwise, for the decision of any complaint, or punishment of any offence concerning slaves, which precludes commissaries commandant from acting as assistant protectors ; it is therefore ordered, that there shall be an assistant protector in each of the three grand districts of the island, with a salary of 100*l.* currency per annum ; and for the further support of said assistant protectors, they shall be magistrates for the recovery of small debts, and commissaries enqueteurs, or commissions for taking depositions in civil and police cases when required by the courts, for which last duties they shall be remunerated by fees, as will be more fully set forth in an Ordinance to be especially made to that effect ; but that they shall not determine on any complaint by or against slaves, but report forthwith to the protector in all such cases, who will then take measures to bring each case before the proper tribunal.

3d. And as directed by the 16th section, it is hereby ordered, that markets throughout the island shall be held in future on Mondays, and that such markets may continue till three in the afternoon ; and to enable slaves to attend market occasionally, it is ordered, that every plantation-slave shall be allowed one whole day in every fortnight in crop, and one whole day in every week out of crop, besides Sunday, which day it is now settled and determined shall in future be the Monday in lieu of the Saturday, as was the usual practice, or of any other arrangement.

And whereas by the 20th section, the Governor is required to define with all possible precision, every work of necessity in which slaves may be employed on Sunday, and to limit and restrict any such employment by such conditions as may seem just. It is therefore ordered, that in addition to the species of labour set forth in the 19th section of said Order in Council, slaves may be employed,

On extraordinary emergencies arising from fires, hurricanes or inundations, or other causes which would be otherwise productive of any irreparable damage or injury to property.

And also in the following habitual emergencies :

In grinding and boiling off the canes and juice remaining over from the preceding evening :

Or in plucking, drying or preserving coffee in unfavourable weather, or such manufacturing labour as is rendered necessary by the state of the season :

Provided that no habitual emergency shall be deemed sufficient to warrant the employment of slaves on Sundays in field labour, on sugar estates :

Provided also, that when slaves are employed on Sundays, except in the kind of labour set forth in the said 19th section of the Order in Council, they shall receive 3*s.* currency, if employed beyond half a day, and if employed on such occasions for any time not exceeding half-a-day, they shall receive 1*s.* 6*d.* currency.

5. And whereas by section 25th the Governor is to prescribe the nature and extent of punishments to be inflicted on females in lieu of whipping, it is therefore ordered,

That the punishments to be inflicted by order of managers on female slaves, shall be as heretofore : the handcuffs, house-stocks, field-stocks, and solitary confinement.

Provided that no manager shall inflict a heavier punishment than the field-stock for six hours, house-stocks for twelve hours, or handcuffs and solitary confinement for a week, and that the cells be approved by a licensed medical practitioner, or the Commissaries

Commissaries command; and in all cases of confinement, the slaves so confined shall be supplied with a sufficient quantity of farinacious food, at least once in 12 hours, and with a proper supply of good water.

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And with reference to courts of justice and public magistrates, in addition to the above modes of punishment, they may inflict on females punishment by the tread-mill, and other hard labour, including the chain-gang on plantations and on public works.

Provided that no public magistrate or authority, except the Court of First Instance and Royal Court, shall have jurisdiction over females beyond the extent of one month's solitary confinement, or one month's labour at the tread-mill, or one month's hard labour on the plantation or on public works; nor shall any public magistrate or authority, except as above excepted, have jurisdiction over males beyond 39 lashes, or beyond the extent of their jurisdiction as above set forth over females.

6. And whereas, by section 66th, the fees on appraisement by compulsory process are to be approved by the Governor; the following table of fees being such as were previously taken, is therefore confirmed and approved, and ordered to be in future adhered to on the penalties set forth in said section:

Original petition	-	-	-	-	-	-	-	-	gratis.
Judges order thereon	-	-	-	-	-	-	-	-	ditto.
Court seal to clerk	-	-	-	-	-	-	-	-	£ - ½ round,
Marshalman's copy	-	-	-	-	-	-	-	-	- ½
Service of notice by marshal (according to Tariff).									
Interpreter for the French translation to be inserted in the Gazettes									
for each slave	-	-	-	-	-	-	-	-	- ½
Printer, for advertizing 3 times, per slave	-	-	-	-	-	-	-	-	1
Registrars fee for preparatory judgment, if any	-	-	-	-	-	-	-	-	1 ½
Marshalman's copy (Tariff).									
Service of notice - (ditto).									
Final judgment	-	-	-	-	-	-	-	-	2
Seal	-	-	-	-	-	-	-	-	- ¼
Marshalman's copy (Tariff).									
Service thereof - (ditto).									

7. And whereas by section 77, the Governor is directed to provide and declare in what courts, or before what judges or magistrates all suits and prosecutions, civil or criminal, entered under or by virtue of any section of said Order, are to be in future determined; and there appearing no reason to deviate from the present practice, it is ordered, That all questions wherein the right or claim of any person to freedom is in controversy, shall continue to be determined in the Manumission Court; and all other suits and prosecutions, civil and criminal, in the Courts of First Instance and Royal Court in civil and police cases, and before the Royal Court in criminal cases, according to the established forms of proceeding and existing laws and usages of the colony: Provided that all cases of disorder or insubordination among gangs requiring attention, shall continue to be provided for as prescribed by the 7th chapter of the Edict of 1780; provided also, that no appeal be admitted from judgments on slaves, when the punishment awarded does not exceed 39 lashes, and three months hard labour and solitary confinement.

And finally, in conformity to the 81st section, it is ordered, That the island shall continue for the purposes of said Order in Council, to be divided into districts and quarters, as on other occasions.

Given under my hand and the seal of Government, this 26th day of April, in the 11th year of His Majesty's reign, in the year of our Lord 1830.

By his Excellency's command.

(signed) *George Washington Busteed,*
Chief Secretary.

— No. 19. —

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COPY of a DESPATCH from the Officer administering the Government, to
Secretary Sir *George Murray*, dated 4th June 1830; with One Enclosure.

St. Lucia, 4th June 1830.

HEREWITH I have the honour of transmitting to you the second Supplementary Ordinance to His Majesty's Order in Council, establishing a consolidated slave law for these colonies, which I trust will meet with your approbation.

I have the honour to be, Sir,
Your most obedient humble servant,

J. A. Farquharson, Col.

Administering the Government.

To the Right Hon.
The Principal Secretary of State for the Colonies,
&c. &c. &c.

(Enclosure.)

Second Supplementary Ordinance to His Majesty's Order in Council, establishing
a Consolidated Slave Law.

St. Lucia.

By his Excellency *James Alexander Farquharson*, Colonel, commanding His Majesty's Forces in the Island of St. Lucia, and administering the Civil Government, &c. &c. &c.

James Alexander Farquharson.

WHEREAS His Majesty, by his Order in Council, dated at the Court at Windsor on the 2d February last, hath been pleased, for the purpose of amending and ameliorating the slave laws throughout several of the British colonies mentioned in said Order, to repeal among others the Ordinance enacted by the Governor of St. Lucia, with the advice of the Council of Government, on the 8th February 1826, for the better government of slaves in St. Lucia, and for improving their condition, together with all Laws, Ordinances and Proclamations passed, enacted or promulgated within the said island in explanation thereof. And whereas His Majesty's said Order in Council doth not embrace, nor was intended to embrace, all the points for which it has been, in consequence of the repeal of said Ordinance and additional Ordinances and Regulations, necessary to provide :

His Excellency Colonel Farquharson, commanding His Majesty's forces and administering the government, having submitted the whole subject to the consideration of the Privy Council, and especially recommended a revisal of said Order of 8th February 1826, and additional Ordinance of April 1827, he hath now been pleased, by and with the advice of said Council, to order, and doth hereby order, with a view of determining such other points as are not provided for by the said Order in Council, but were embodied in said Ordinance, as follows :

1. It having been necessary to determine the legal nature of property in slaves, it is declared that children born of slaves are the property of the owner of the mother; and therefore, when the father is in slavery and the mother free, the children are free; and when the father is free and the mother a slave, the children are slaves.

2. Slaves are moveable property, but they may be stipulated proper to the proprietor and his relatives of his stock and descent.

3. Slaves, for the purposes of property, are either personal or plantation slaves. Plantation slaves, for such purposes, are all slaves entered in a plantation return, and all slaves entered by name in mortgage deeds, and the issue of all such plantation slaves.

4. And

4. And it is ordered, that all contracts or agreements for the alienation of slaves shall be passed before a notary, and that no proprietor whose estate is mortgaged shall separate his plantation slaves from the estate by sale or any other alienation, on pain of incurring such penalties as are provided against persons guilty of the fraudulent transfer of real property, and all such sales and alienations are declared null and void; and any notary drawing out or signing the deeds of alienation shall be fined in a sum of not less than 50*l.* or exceeding 200*l.* sterling, and be interdicted from office for not less than three or more than six months.

Nor shall such proprietors manumit their plantation slaves, except by compulsory process; nor shall plantation slaves be taken in execution for any other debt than the price of their purchase, except it be together with the estate, or under the forms set forth in the laws made or to be made for the more effectual recovery of debts in St. Lucia; and all slaves belonging to the owner of the estate, who at the time of taking the estate in execution shall be employed thereon in the labour of the estate, shall thenceforth be deemed and taken to be plantation slaves.

5. And it being necessary to provide for the domestic government of slaves:

It is ordered, that prayers shall be said every evening on the plantation; that slaves shall not be employed on festivals; and that on working days, when engaged in field labour, they shall be in the field and have commenced work at half after five o'clock; they shall be allowed half an hour at eight, and two hours from noon till two for their meals, and they shall leave the field at sunset.

6. And it is ordered, that when slaves are employed in manufacturing labour, they shall only be worked at night on extraordinary occasions of forced crops; that they shall then be distributed in spells or watches, and every slave so engaged shall in every possible circumstance have six hours consecutive rest, and two hours additional within the twenty-four.

The festivals are, New Years-day, Good Friday, Ascension-day, the Patronal fete of the Quarter, the King's Birth-day and Christmas.

Provided, that the fact of slaves being exempted from labour, whether on Sundays, festivals, or otherwise, shall not in any case be sufficient to warrant their leaving the estate without the manager's permission.

Provided also, that slaves may be compelled to work in their own provision-grounds for their benefit on all days allowed them by law, except Sundays: And provided, nevertheless, that adult slaves shall, under all and every circumstance, be allowed to attend market once in every month.

7. Twenty-five and Twenty-six of old law to form one section.

8. And it is further ordered, that every slave without exception shall receive two thick linen and woollen dresses, and a hat or cap in the year. The dresses shall consist, for the men, of a shirt and trowsers; and for the women, of a chemise and jupe; and a shirt for the children. And that every manager shall give one week's notice in writing to the protector, of the day on which the distribution is to take place.

And every adult shall also receive one pound and a half of salt fish or meat per week, and children half the quantity.

9. And whereas it often happens that managers make arrangements with their slaves for granting them other days in lieu of the festivals, and also further time in lieu of clothing and salt provisions; it is hereby ordered, that such arrangements, to be valid, shall be in future made in writing with the protector in behalf of the slaves; provided that no arrangement shall be valid, whereby slaves are or may be deprived of their Monday in every week after crop, and in every fortnight in crop.

10. And it is ordered, that every slave of fourteen years of age and upwards, shall have a portion of land allotted him for a garden, at least one carré for every two full grown slaves, which portion of land shall not be exchanged without their consent, except the manager shall have given them a warning of one year.

11. Every proprietor or possessor of a plantation shall provide the slaves attached thereto with good and comfortable huts, well wattled and thatched, so as to be perfectly wind and water tight, to be afterwards kept in repair by the slaves themselves. The head or chief of every family shall have a hut for himself and his family, separated into two or more apartments, according to the number of that family, and there should be cabanes or bed-places in those apartments, raised at least 18 inches, to preserve them from the dangerous effect of sleeping on the ground.

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ground. Young slaves of fourteen and upwards, who have no family, shall be lodged at the rate of three or four to a hut, and they are to have their cabanes raised 18 inches from the ground as aforesaid. The slaves shall be allowed to enclose their huts with a fence or hedge, to form a little yard for their poultry and other small stock, and defend them from the incursions of the cattle in the pasture.

12. There shall be on every plantation an hospital built in an airy and healthy situation, proportioned to the number of slaves, and one or more female attendants attached thereto, and supplied with camp beds, mats and coarse bed linen. The slave who from sickness is incapable of doing his duty, shall there be lodged and minded until he be perfectly recovered; and when there is a medical practitioner in attendance, he shall enter on a journal the name of every patient, together with the nature of the disease and prescription.

13. And it is ordered, that a return of births and deaths, specifying in the latter case the nature of the disease, the name of the medical attendant, or respectable planter, attesting the cause of the disease, and the probable age of the deceased, shall be delivered in half-yearly to the protector, together with the record of punishments.

14. And that sick and infirm slaves, whether the malady be incurable or otherwise, shall be supported by their managers; and that all slaves shall be decently interred, and where it can be done, in consecrated ground.

15. And every manager, and other person having authority from a manager, who shall inflict any new and unauthorized punishments on slaves, shall be guilty of a misdemeanor; and any manager, or other person having authority from a manager, who shall maim or kill a slave, and every person, except managers or persons authorized by them, who shall maltreat slaves in any manner whatever, shall be severally liable to the same punishments as would in such cases be inflicted if any such act had been committed on persons of free condition.

16. And whereas it is necessary to set down penalties for such public offences as necessarily result from the condition of slavery being acknowledged and sanctioned by law.

It is therefore ordered, that a fugitive slave may, if he shall have been one week absent from his owner's service, be adjudged to suffer punishment not exceeding 30 lashes and one month's solitary confinement for the first offence; two months solitary confinement and 50 lashes for the second; three years hard labour in chains on the plantation or on public works and 100 lashes for the third; and the chain-gang for life for the fourth offence. And the said fugitives shall further be liable to be deprived of their Mondays until they shall have made good the time lost.

17. And it is ordered, that every free person who shall harbour or conceal a fugitive slave shall forfeit and pay 5 *l.* sterling to the Crown, and shall also be liable in damages to the owner to the extent of 1 *l.* sterling per diem; and if the offender shall not pay the above fine of 5 *l.* sterling within one week, the punishment may be commuted by the court to an imprisonment, which shall not be of less duration than 14 days, nor exceed three months. And every slave in whose hut shall be found a fugitive slave, shall suffer corporal punishment, which shall not in any case exceed 60 lashes or three months hard labour; and the manager shall forfeit 2 *l.* 10 *s.* sterling to the Crown.

18. And it is ordered, that any slave apprehended passing in any vessel or boat out of the Colony, without proper permission, may be adjudged to suffer 100 lashes, and imprisonment and hard labour at the discretion of the court. And every free person aiding or abetting them therein shall be guilty of a misdemeanor; and any slave so aiding or abetting them therein, shall be subject to the same penalties as the slaves endeavouring to escape.

19. And it is ordered, that all thefts of steel arms or firearms committed by slaves shall be deemed felonies; and that fugitive slaves carrying steel arms or firearms of any description when apprehended, shall be declared felons; and in case of resistance with such steel arms or fire-arms, they may be adjudged to suffer death.

20. And it is ordered, that a slave striking his proprietor's wife or husband, or his manager, shall be guilty of felony; and in cases of aggravation may be adjudged to suffer death; and any slave striking a free person shall be liable to suffer imprisonment and hard labour at the discretion of the court.

21. Slaves attending meetings of slaves belonging to different masters, without the sanction of a public officer; slaves taken up masked or disguised; slaves keep-
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ing houses, trading or hawking without their managers permission; slaves offering for sale either gold, silver or jewellery; slaves selling sugarcanes, coffee, cocoa, indigo, cotton or logwood, without their manager's permission; slaves found straggling without a passport; slaves purchasing or carrying muskets, swords, or any other offensive weapon, or gunpowder; slaves setting fire to their gardens without permission; slaves preparing or distributing drugs, or undertaking the care of sick persons; and generally all slaves guilty of police offences, together with all persons whether free or slaves who shall abet or countenance them therein, shall be guilty of a misdemeanor.

Provided that the punishment for misdemeanors committed by slaves shall not in any case exceed 30 lashes for the first offence, and 50 for the second and every subsequent offence of the same description, and three months hard labour at chain-gang.

22. Provided also, that slaves charged with crimes not specified in this Ordinance, shall be subject to the same pains and penalties as free persons.

23. And it is ordered, that the owners of fugitive slaves shall inform against such fugitives within 14 days to the commissary of the quarter, setting forth the presumed cause of the slave's escape, his name, age, sex and distinguishing marks if any, on a penalty of 5 *l.* sterling; and that the commissary commandant shall once in each month send certified returns of such informations to the Procureur du Roi.

24. And every manager having reason to suspect any slave of having committed a crime, shall immediately cause him to be detained and delivered up to the commissary commandant; and he shall set forth in writing the cause of such detention, and lodge such information with said commissary within the three subsequent days, on pain of forfeiting 1 *l.* sterling for every day's neglect in complying with the directions of the present section.

25. And whereas it is necessary to re-enact certain regulations with reference to property held by slaves;

It is ordered, that at the slave's death his property shall go to such persons, whether in freedom or slavery, as would by the law of the colony be entitled to it, if the slave had died free. That in cases of thefts and other wrongs, the owner shall continue personally responsible for the injury done by his slaves; but he has his recourse on the slave's property, or he may discharge himself by making over the offending slave to the party injured; in which latter case he must duly and in writing give notice of his intention, within one week after service of the copy of the judgment, on pain of being precluded from the right of option. And that the owner being a creditor of his slaves, shall have a preference over all others on the slave's property, except the latter shall have engaged in trade with his consent; and all owners shall be responsible for whatever their slaves may have done by their orders express or implied.

26. And it is ordered that slaves shall not, on pretence that they are parties to judicial suits, quit the manager's service without his permission, unless they are required to attend by order of a magistrate or the protector; and in all cases when their attendance is no longer necessary, they shall return to the plantation, on pain of punishment as fugitives.

27. And whereas it is requisite to set down further rules with reference to the freedom of slaves, or reputed slaves, the following enactments having been reconsidered, are renewed and confirmed:

That manumissions obtained in St. Lucia by slaves registered there, shall continue to produce the same effect as if the party were born there; such emancipated slaves, though natives of foreign countries, need not, therefore, obtain letters of naturalization to entitle them to the prerogatives of natural born subjects.

28. And that the emancipated slave is expected to pay the greatest respect to his late owner, and his owner's wife or widow, and children; any offence committed against them will be more severely punished than against a stranger, but the slave is certainly exempted from all duties, claims or services which his former owner might pretend to as his patron over his person or property.

29. A slave marrying a free owner becomes free; and the issue of the slave and owner, though born before marriage, become free and legitimate, provided they are not the issue of an adulterous connection and belong to either of the parties.

30. British born slaves obtaining their manumissions in a foreign country shall not be considered free in St. Lucia unless the manumission be confirmed by the

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proper authorities in a British country, or unless the same shall have taken place with the full consent of the proper and lawful owner.

31. Persons of colour who shall have resided in St. Lucia in an unmolested state of freedom for 21 years together, shall not, on any pretence, be required to produce their deeds of manumission, nor shall their right to freedom, from the expiration of said period of 21 years, be called in question. And in all cases he who affirms a person is his slave, is bound, unless he is in actual possession of the property in the said person, to prove his right, the presumption being in favour of natural liberty.

32. Persons in holy orders may baptize, as free, children under the age of one year, though born of mothers in a state of slavery, provided the owner of the mother consents thereto. Mention shall be made of such consent in the register of baptism, and the register shall be signed by the officiating minister and the owner.

A certificate of baptism in the above form shall have, in favour of the child, the effect of a deed of manumission.

33. The minister shall transmit all such certificates of baptism, which are to be written and signed by himself to the procureur general, that the latter may be enabled to require the bail mentioned in His Majesty's Order in Council, sec. 54, and to inscribe the certificate upon a register which he shall keep for this purpose.

34. Persons in holy orders shall not, on the penalty of 100*l.* sterling, baptize as free a child of colour, without the permission of the mother's owner, unless the mother be generally reputed free, or unless her freedom be proved by an act of manumission in due form, or a declaration upon oath, made before the commissary by two respectable inhabitants, other than the father of the child.

35. The clauses of all wills containing a grant to a slave of his freedom shall be laid before the governor by the heir, the executor, or the party interested in the will, within three months from the day on which the will shall have been opened, and the said will shall within the said time be registered at the greffe or register-office of the Court of First Instance, on the penalty of 100*l.* sterling; one half for the benefit of the colony, and the remainder for the benefit of the slave.

In case the said extracts shall not be presented within the above time, the slave, or any person for him, may apply to the protector, who shall cause an action to be entered to recover his liberty, or the slave may at his option enter an action to the same effect in his own name. But in either case, the proper officer shall be bound to prosecute the delinquents for the fine. And all notaries and greffiers who shall have received wills containing clauses of manumissions, shall extract copies of the said clauses, and forward the said copies within one month from the day on which the said wills shall have been opened to the procureur general, on the penalty of 50*l.* sterling, and three months interdiction.

36. And it is ordered, that no authority whatever, whether administrative or judicial, shall deprive of his liberty and reduce to a state of slavery a person free either by birth or by manumission, or by twenty-one years prescription.

The following concluding enactments are also approved:

It is ordered, that the definitions set forth in the 81st section of His Majesty's said Order in Council, shall apply to both the Supplementary Ordinances enacted in consequence thereof, except inasmuch as relates to the slaves that are to be deemed plantation slaves, for the purposes of property; the distinction between personal and plantation slaves in this respect, only being as set forth in the 3d section of this Ordinance.

38. And it is ordered, that all offences against this order committed by managers, to which no specific penalty is attached, shall be deemed misdemeanors, and all misdemeanors shall be punished in the manner set forth in the 74th section of His Majesty's Order in Council.

39. And it is ordered, that the condemned slaves fund shall continue under the regulations established by the repealed Order in Council of February 1826.

40. And it is ordered, that all fines shall be recovered and applied in the manner set forth in the 76th section of His Majesty's said Order in Council.

Given under my hand and the seal of Government, this 3d day of May, in the eleventh year of His Majesty's reign, and in the year of our Lord 1830.

By his Excellency's command,

(signed)

George Washington Busted,

Chief Secretary.

BERMUDA.

BERMUDA.

— No. 20. —

COPY of an ACT to prolong an Act, intituled, "An Act to ameliorate the condition of Slaves and Free Persons of Colour."

WHEREAS the Act, intituled, "An Act to ameliorate the condition of Slaves and free persons of colour" will expire on the thirtieth day of July next, and it is deemed expedient to prolong the same; We, therefore, your Majesty's most dutiful and loyal subjects the General Assembly of these your Majesty's Bermuda, or Somer's Islands, do most humbly beseech your Majesty that it may be enacted, and be it enacted by your Majesty's Governor, Council and Assembly, and it is hereby enacted by the authority of the same, that the said Act, intituled, "An Act to ameliorate the condition of Slaves and free persons of colour," be prolonged for and during the term of one year from and after the expiration thereof, and thence to the end of the next Session of the Legislature thereafter.

Passed the Assembly this 19th day of April 1830.

By order of the House,

(signed) *John Noble Harvey*, Speaker.

Concurred to by the Legislative Council this 19th day of April, 1830.

(signed) *James Christie Esten*, President.

Assented to this 20th day of April 1830.

(signed) *H. Turner*.

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-- No. 21. --

COPY of a DESPATCH from Sir *Lowry Cole* to Secretary Sir *George Murray*, dated 28th August 1830; with 10 Enclosures.

Sir,

Government House, Cape Town, Aug. 28th, 1830.

I HAVE the honour to acknowledge the receipt of your Despatches, No. 126 and 127, of the 19th and 20th of March last, transmitting an Order of his Majesty in Council for consolidating the several laws recently made for improving the condition of slaves in His Majesty's colonies; and I have to inform you, that this order came into full operation within this colony on the 26th instant, being exactly six weeks from the date of its arrival here.

In conformity with the directions contained in the 79th section of the Order in Council, I now transmit the various proclamations, ordinances and rules of Court, issued agreeable to the instructions contained in your Despatches, and in the Order in Council.

No. 1. Contains a Proclamation issued on the 12th of August, making known the order in this colony.

Order in Council,
82d Section.

No. 2. Contains a Proclamation issued on the 13th of August, "for providing and declaring as to the jurisdiction and manner of proceeding in and before the court of the colony, in actions, suits and prosecutions, by and against the protector and assistant-protectors of slaves in this colony."

Order in Council,
77th Section.

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Order in Council,
16th, 20th and
25th Section.

No. 3. Contains certain additional rules, provisions and regulations necessary for the inferior courts, in consequence of the Order in Council; these were ordained in Council by and with the consent of the Chief Justice, in terms of His Majesty's charter.

No. 4. Contains a Proclamation issued on the 12th of August, "for appointing a market-day in each week, for defining works of necessity, and for prescribing modes of punishment of female slaves."

No. 5. An ordinance passed by the Council, "for regulating as to the food clothing, lodging, and hours of labour for slaves in this colony."

No. 6. An Ordinance passed by the Council, "for regulating as to the baptism and interment of slaves, and declaring punishments in certain cases illegal."

Order in Council,
81st Section.

No. 7. Contains a Proclamation "determining the divisions of the colony which shall be deemed and taken to be districts thereof."

No. 8. Contains Rules for the Supreme Court, rendered necessary by the Order in Council, and published on the 19th of August, having been previously promulgated in open court.

Two government notices were likewise issued, (No's 9, and 10.) making known the appointment of a protector and assistant protectors.

The public acts now enumerated seem to be all that are at present required for giving such force and effect to a mass of enactments like the present, as they can be supposed to obtain, amongst a widely scattered, and for the most part, an illiterate people.

The operation of translation, through which means alone the chief possessors of slaves in this colony can understand the laws, requires much time and attention, and it is not so much from obstinacy or disinclination to know the laws, that the Cape Dutch in the districts remain in ignorance of them, as from a total inaptitude on their part to understand written law, always somewhat difficult to non-professional people, but infinitely so to persons of a rude understanding, by means only of translation.

The Order in Council was re-printed immediately after its arrival, and copies were sent without delay to the several judges, magistrates, justices and clerks of the peace, guardians of slaves, and all to whom it will fall to carry it into execution, in order that they might have as much time as possible for studying and comprehending it before it should come into operation.

The short period allowed between the receipt, promulgation, and coming into force of the Order, left little or no time for deliberation in framing the several Acts which I now transmit, and whatever imperfections are perceptible in the local enactments, may with more justice be placed to account of the absolute necessity of bringing the whole system into full operation, and within a very limited time, notwithstanding the difficulties attendant upon the measure, than to any want of attention and diligence in endeavouring to yield a prompt and implicit obedience to His Majesty's commands.

I cannot, however, but lament that such a discretionary power was not allowed to the colonial government in regard to the time of bringing the Order into operation, as to afford, in justice to the many unfortunate and illiterate slave proprietors who live at vast distances from the local authorities and from each other, at least an opportunity in point of time of knowing something of the law by which they are to be governed, before its taking effect, and thereby avoiding the chance of becoming subject to heavy punishments for the infraction of regulations, of whose very existence they must necessarily be ignorant for some time to come, from the scantiness of the population, dispersed over an immense extent of country, and the imperfect state of its internal communications.

It now remains for me to advert more particularly to the several Proclamations and Ordinances already noticed.

The Proclamation of the 9th of August "For providing and declaring as to jurisdiction and manner of proceeding, &c. &c.," was drawn up by the Judges of the Supreme Court, who most willingly bestowed their whole time and attention to the subject; by them also were prepared additional rules, provisions, &c. &c. of the same date.

The Proclamation of the 12th of August, No. 4, fixes a weekly market to be held on Wednesday instead of Sunday; it defines works of necessity with regard to the actual state of the colony, and with as much precision as the subject seems at present to admit of.

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The permission however to hire slave-labour in such cases amounts here to almost a prohibition of that practice, since the conditions imposed by the 20th section of the Order in Council cannot be complied with, except in a very small portion of the colony.

With reference to the punishment of females; I may here remark, that in all slave colonies, I believe, and certainly in the two with which I am acquainted, this and the Mauritius, female slaves of bad character, of whom there are but too many, are more depraved than the men; and it is a well-known fact, that Sunday, instead of being a day of rest to them, is one of great debauchery and dissipation, and I confess I do not perceive the justice of the reasoning in that part of your despatch, which objects to their being punished by confinement on that day.

For unjust punishment the law affords redress, and if the punishment is deserved, I do not see why the master is also to be punished by depriving him of the labour of his slave.

Corporal punishment of females is objected to as tending to lower and impair their sense of self-respect, but certainly there is nothing which lowers and degrades the female character so much as debauchery and dissipation.

Although differing in opinion with you, as you will perceive, on this subject, I have not thought it right to deviate from your instructions further than in providing in the last-mentioned Proclamation for the confinement of females on Sunday, in particular cases only, where the entire and unrestricted enjoyment of that day, immediately following the commission of an unpunished fault, would only tempt the guilty slave to absent herself on Monday, to avoid the punishment she deserved, thereby increasing her offence; or it would place the proprietor in the unchristian-like position of passing the day of worship and rest, in the resolution of commencing the next day by inflicting punishment on his offending slave.

The Ordinance, No. 75, provides for little more than the revival of those enactments in the 19th Ordinance, relating to the subject of the Despatch, No. 127. These were made the subjects of a separate Ordinance, in order that its repeal might be the more conveniently effected, when His Majesty's pleasure shall be known upon those points, than if they had been mixed up with other matters in one Act.

The Ordinance, No. 76, also revives certain provisions of the 19th Ordinance relating to matters not adverted to in the Despatch, No. 126, but which seemed to be desirable. That Ordinance provided in some measure for the education of slave children, but there was no penalty affixed for non-compliance with the provision made in that respect, and in the absence of all information as to the intentions of His Majesty's Government, in respect to the education and religious instruction of slaves, whether it be intended to enforce the attendance of the children of Mahomedan slaves at Christian schools and places of worship, or to compel a slave proprietor to send his Christian slave children to school, under a penalty, although no law can compel a free person to educate his own children, it was deemed safer to leave these points open until His Majesty's pleasure shall be known.

This Ordinance contains three sections, No's 4, 5, and 6, which are intended to serve as a rule for judges and magistrates in cases of doubt and difficulty, in determining the legality or illegality of punishments.

The absence of any definition in the Order in Council as to what shall be considered legal and what illegal instruments of punishment, and the excessive difficulty of making any satisfactory definition of this kind, seemed to make the degree of severity the only safe measure by which the character of the punishment could be determined with equal justice to the punisher and the punished. From an attempt at definition the 19th Ordinance was often productive of mischievous results, of much litigation between owners and slaves, and much doubt and uncertainty among the magistrates.

The Proclamation of the 19th of August provides in some measure against the evils which would probably have arisen from the sudden abolition of the office of protector in the eastern division of the colony. The office of guardian in that division was created by his Majesty's Government in 1828, apparently on the recommendation of the Commissioners of Inquiry.

Your Despatch, No. 126, contains no order for its abolition, but it appears evidently to relate to one Protectorship only for the whole colony; if, however, there existed in 1828 any reason for disuniting the offices of registrar and guardian in the western, and appointing an additional guardian in the eastern division, those reasons must apply still more strongly at present, when the sole protector of slaves

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in the colony is not only the sole registrar of slaves, but also the sole registrar of deeds. The latter duty requires his almost constant daily attendance in his office at Cape Town. In every case of more than common importance it has been considered necessary that the guardian should attend the circuit-courts, and that necessity is not now lessened. The attendance of the protector on the western circuit is already sufficiently incompatible with his other duties, but his further attendance on the eastern circuit would be completely so, for these circuits occupy nearly six months in each year.

It was at first deemed proper to continue the appointment of a separate officer in the eastern division until his Majesty's pleasure should be known ; but the office could not be created or continued by Proclamation, since the Supreme Court will not receive any Proclamation which is not bottomed on some public Act of the King duly promulgated, and the whole Order in Council of the 2d of February 1830 expressly relates to one protector in each colony ; neither could the appointment be legalized by an Ordinance in Council, as was proposed, since the Chief Justice could not give the certificate necessary for introducing the Ordinance into Council.

Both the Chief Justice and Major Rogers are of opinion that there should be a protector in the eastern division ; and should his Majesty's Government see fit to make such an appointment, another Order in Council will be required, either to divide the duties of the protector and of the Chief Justice, so that the duties of each may be performed in the eastern division, and without the necessity of long journies by the new protector, or to authorize the government to provide by Proclamation or by Ordinance for the proper division of these duties.

From your Despatches which accompanied the Order in Council, and from a comparison between their general tenour, and the tenour of all other Despatches touching subjects of a legislative nature which have been addressed to this Government ever since the institution of a Council in this colony, it has seemed that the object of his Majesty's Government on this occasion has been to give full and entire effect to a new system of slave-law in this colony, by its own authority, or by that of the Governor, without the intervention of the Council of Government ; it was intended therefore to carry the new law into effect, and to complete the system by such additional enactments as appeared necessary in the name of the Governor alone, thereby avoiding all risk of delay consequent on the deliberations of the Council ; but the objection made by the Court, founded on the 33d section of the Charter, rendered this impossible ; and the two Ordinances in question were accordingly proposed to and passed by the Council.

I have the honour to be, Sir,

Your most obedient humble servant,

G. Lowry Cole.

The Right Hon.
Sir George Murray, G. C. B.
&c. &c. &c.

Enclosure 1, in No. 21.

PROCLAMATION by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of his Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of his Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commander of the Forces, &c. &c. &c.

WHEREAS his Majesty the King in Council has been graciously pleased to issue an Order " for consolidating the several Laws recently made for improving the Condition of the Slaves in his Majesty's Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius," dated at the Court at Windsor, the 2d day of February 1830, which Order is hereunto subjoined ; and whereas by the 82d section thereof it is ordered, that the Governor of every such colony as aforesaid shall, within one calendar month next after the said Order shall be received by him, make known the same by proclamation in such colony ; and that

that the said Order shall be in force on the expiration of fourteen days next after the date of such Proclamation, and not before: Now, therefore, I do hereby proclaim, publish and make known the said Order of his Majesty in Council; and I further ordain that the said Order shall have full force and effect in this colony from and after the 26th day of the present month of August.

God save the King.

Given under my hand and seal this 12th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By Command of his Excellency the Governor.

(signed) *John Bell*, Secretary to Government.

Enclosure 2, in No. 21.

PROCLAMATION by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

For providing and declaring as to the Jurisdiction and Manner of Proceeding in and before the Courts of the Colony, in Actions, Suits and Prosecutions, by and against the protector and assistant-protector of slaves in this Colony.

WHEREAS under and by virtue of his Majesty's Order in Council, dated 2d of February 1830, the Governor of this colony is thereby authorized, by Proclamations to be by him for that purpose from time to time issued, to provide and declare in what courts, or before what judges or magistrates, every offence committed or alleged to have been committed against the provisions of his Majesty's said Order shall be tried and prosecuted; and in what courts, or before what judges or magistrates such fines, forfeitures and penalties as in and by his Majesty's said Order are prescribed, set forth and provided, shall be prosecuted, sued for and recovered; and in what manner all penalties incurred by any protector or assistant-protector shall be sued for, recovered and applied; and to regulate the manner in which such protector or assistant-protector of slaves of such colony shall proceed in executing the duties in and by the said Order imposed on them, in the defence of any such accused slaves, or in the instituting and conducting of any such civil action, suit, or criminal proceeding, as is therein mentioned; or in the prosecuting, suing for and recovering any such fines or forfeitures and penalties as aforesaid; and to regulate the manner in which actions may be brought by or against slaves, in respect of any property which any such slaves may be authorized to acquire and possess: all which provisions and regulations so to be issued by the Governor of the colony are to be as nearly as may be conformable to the laws and usages in force in the colony: I do therefore, under and by virtue of his Majesty's said Order in Council, provide and declare, and it is hereby provided and declared, that every offence committed, or alleged to have been committed against the provisions of the 21st, 22d, 28th, 33d, 34th, 41st, 52d, 56th, 66th and 73d sections of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted, and every fine, forfeiture and penalty therein provided to be incurred on the commission of any such offence, shall and may be prosecuted and sued for and recovered in the supreme court, or in the circuit-court of the district within which any such offence shall have been committed, or in any other circuit-court to which the trial of offence shall be permitted or allowed to be removed by the competent court, or in the court of the resident magistrate for the district within which any such offence shall have been committed: Provided always, that nothing herein contained shall extend or be construed to give up or confer on any resident magistrate jurisdiction, power or authority, in respect of any conviction which may be had in the court of such magistrate

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for any offence hereinbefore mentioned, to adjudge or declare the right and interest of any person so convicted in or to any slave to be forfeited to his Majesty, under the provisions of the Order in Council aforesaid ; or to adjudge, sentence or condemn any person so convicted to suffer imprisonment for any period exceeding *one calendar month*, or to pay any fine or penalty exceeding the sum of 10*l.* sterling.

2. And it is hereby provided and declared, that every offence committed, or alleged to have been committed, against the provisions of the 13th, 14th and 18th sections of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided to be incurred on the commission of any such offence, shall and may be prosecuted and sued for, and recovered in the court of the resident magistrate for the district within which any such offence shall have been committed.

3. And it is hereby provided and declared, that the offence of *swearing falsely*, committed, or alleged to have been committed, by any person in taking any oath under and in pursuance of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted by the public prosecutor, and at the public instance, in the supreme court, or in the circuit-court of the district within which any such offence shall have been committed, or in any other circuit-court to which the trial of such offence shall be permitted or allowed to be removed by the competent court, in like manner and form as is or shall be by law competent to the public prosecutor to prosecute at the public instance for any crime or offence, and not otherwise.

4. And it is hereby provided and declared, that every offence committed or alleged to have been committed by the protector of slaves against the provisions of his Majesty's Order in Council, dated 2d February 1830, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided to be incurred by such protector on the commission of any such offence, shall and may be prosecuted and sued for, and recovered by the public prosecutor, at the public instance, and not otherwise : And that every offence committed or alleged to have been committed by any assistant-protector of slaves against the provisions of the said Order in Council, shall and may be prosecuted ; and every fine, forfeiture and penalty therein provided, to be incurred by any assistant-protector of slaves, shall and may be prosecuted and sued for, and recovered by the protector of slaves, or by the public prosecutor at the public instance, in any court in which any such offence might be prosecuted, or such fine, forfeiture or penalty might be prosecuted and sued for and recovered, if such offence had been committed, or alleged to have been committed, or such fine, forfeiture or penalty had been incurred, or alleged to have been incurred, by any person other than such protector or assistant-protector of slaves ; and every fine, forfeiture and penalty which shall be incurred by the protector, or any assistant-protector of slaves, and which shall be so recovered as aforesaid, and shall go to his Majesty.

5. And it is hereby provided and declared, that every prosecution or suit for any offence, or for the recovery of any fine, forfeiture or penalty, which, under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, shall be instituted in the supreme court, or in any circuit-court, or in the court of any resident magistrate, shall be instituted and conducted in conformity with, and under and subject to, all such rules, orders and regulations touching and concerning the form and manner of proceeding in criminal cases, as have been, or shall be duly made, ordained and established by or for the said courts respectively.

6. And it is hereby provided and declared, that any civil action, suit or proceeding which any slave, or the protector, or any assistant-protector, shall, under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony under the authority of the said Order in Council, be authorized or required to institute, conduct or defend in the supreme court, or any circuit-court, or in the court of any resident magistrate, shall be instituted, conducted and defended, in conformity with and under and subject to all such rules, orders and regulations touching and concerning the form and manner of proceeding in civil cases, as have been or shall be duly made, ordained and established by or for the said courts respectively.

7. And it is hereby provided and declared, that it shall not be the duty of the attorney-general of this colony, and that he shall not have any right or title, either in person, or through the medium of the clerks of the peace for the respective districts

districts of the colony, or the superintendant of police in Cape Town, or his deputy, at the public instance to prosecute or to institute, or cause to be instituted, any preparatory examination respecting any offence created or declared, or for the commission of which any punishment, fine, forfeiture or penalty has been provided by his Majesty's Order in Council, dated 2d February 1830, or in respect of which the exclusive right of prosecution shall by this Proclamation, or by any Law or Ordinance which shall hereafter be in force within this colony be given to the protector, or any assistant-protector of slaves, except as is hereinbefore excepted, as to the offence of swearing falsely in taking any oath in pursuance of the said Order in Council, and as to any offence committed or alleged to have been committed against the provisions of the said Order in Council, by any person while holding the office of protector or assistant-protector of slaves within this colony, or to prosecute and sue for or recover any such fine, forfeiture or penalty, other than those which under and by virtue of the provisions of such Order in Council, Proclamation, Law or Ordinance, shall be incurred by any person while holding the office of protector or assistant-protector as aforesaid, any thing contained in the Ordinances Nos. 40 and 73, or in any other Law or Ordinance now in force within this colony, to the contrary notwithstanding.

8. And whereas by the 11th section of his Majesty's Order in Council, dated 2d February 1830, it is ordered, that if complaint shall be made to, or if it shall come to the knowledge of, any protector or assistant-protector of slaves within this colony, that any wrong or injury has been inflicted upon or received by any slave, it shall be the duty of such protector or assistant-protector of slaves to inquire into the circumstances of the case; and if in the result of such inquiry it shall appear expedient to such protector or assistant-protector that a *criminal* proceeding be instituted against any person in respect of any such wrong or injury, it shall be his duty, and he is thereby required to institute a criminal proceeding against any such offender or wrongdoer: And whereas by the 77th section of the said Order in Council it is ordered, that the Governor of this colony shall, and he is thereby authorized, by Proclamations to be by him for that purpose from time to time issued, to regulate the manner in which such protector or assistant-protector of slaves shall proceed in executing the duties by the said Order in Council imposed on them, in the instituting any such criminal proceeding as is in the said Order in Council mentioned: all which regulations of the said Governor shall be as nearly as may be conformable to the laws and usages in force in this colony: And whereas by the law now in force within this colony the attorney-general is vested with the right and intrusted with the duty of prosecuting by himself, or through the medium of the clerks of the peace for the several districts of this colony, and the superintendant of police in Cape Town, or his deputy, in the name and on behalf of the King, all crimes and offences committed in this colony, except those offences in respect of which the exclusive right of prosecution has by the said Order in Council, or by this Proclamation, been given to the protector or assistant-protector of slaves: And whereas by certain provisions of the Ordinances Nos. 40 and 73, now in force in this colony, it is enacted and provided that no prosecution for any crime or offence may take place but at the public instance and by the public prosecutor, until the public prosecutor shall have exercised his discretion whether he will prosecute the offender at the public instance or not: Now, therefore, it is hereby provided and declared, that no prosecution at the instance of the protector or of any assistant-protector of slaves, for any offence other than those in respect of which the exclusive right of prosecution by the said Order in Council, or by this Proclamation, has been given, or by any Law or Ordinance which shall hereafter be in force within this colony, shall be given to the protector or any assistant-protector of slaves may take place, until the public prosecutor shall have exercised his discretion whether he will prosecute the offender at the public instance; and that it shall not be competent for such protector or assistant-protector to obtain the process of any court for summoning any party to answer to any indictment or complaint, unless such protector or assistant-protector shall produce to the officer authorized by law to issue such process, the indictment or complaint, having indorsed thereon, where the indictment is to be tried in the supreme or any circuit-court, a certificate under the hand of and subscribed by the attorney-general, that he has seen the indictment, and declines to prosecute at the public instance for the offence therein set forth; and where the indictment or complaint is to be tried in any inferior court, a certificate under the hand of and subscribed by the officer who by law is entitled to prosecute at the public instance in such court, that he has seen the said indictment or complaint,

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and declines to prosecute at the public instance for the offence therein set forth: and in every case in which the attorney-general declines to prosecute, he and the officers through whom he exercises the right of prosecution in the inferior courts, shall, at the request of such protector, or any assistant-protector, indorse the certificates above mentioned on every such indictment or complaint: Provided always, that it shall be competent for the protector or any assistant-protector to prosecute summarily, by complaint in any competent inferior court, for any offence, for which such protector or assistant-protector shall be entitled so to prosecute, although such protector or assistant-protector shall not have previously applied for and obtained the certificate hereinbefore acquired: And provided always, that every such summary prosecution at the instance of any such protector or assistant-protector shall be conducted according to and under and subject to the same rules, regulations and limitations which by the 7th and 8th sections of the Ordinance No. 73, are enacted and declared touching and concerning any such summary prosecution at the instance of any private party.

9. And it is hereby further provided and declared, that in every case in which, under and by virtue of the provisions of his Majesty's Order in Council, dated 2d February 1830, or of this Proclamation, or of any law or ordinance which shall hereafter be in force within this colony, any right of prosecution is or shall be given to the protector of slaves, such right of prosecution shall be exercised in the supreme court by such protector in person, and in the circuit and district-courts by such protector in person, or through the medium of the assistant-protector of slaves for the district in which such courts shall respectively be held, as representing the said protector: and in every case in which such protector or assistant-protector shall under and by virtue of the provisions of such Order in Council, Proclamation, Law or Ordinance, prosecute, or be entitled to prosecute, such protector and assistant-protector shall respectively, in instituting and conducting any such prosecution or examination preparatory thereto, possess and exercise all such powers, rights and privileges, and may do and require to be done all such acts and things, and shall be subject to all such rules and regulations as by any law or ordinance now in force, or which shall hereafter be in force within this colony, are possessed, and may be exercised or done, or required to be done, by the attorney-general, or any clerk of the peace respectively, or to which the attorney-general, or any clerk of the peace respectively, shall or may be subject in the instituting or conducting any preparatory examination or prosecution at the public instance: Provided always, that the assistant-protector of slaves shall forthwith cause all preparatory examinations taken by them to be transmitted to the protector of slaves.

10. And it is hereby further provided and declared, that the protector or assistant-protector of slaves for the district shall be entitled to be present at any preparatory examination which shall be instituted by the public prosecutor, as to any wrong or injury inflicted upon or received by any slave in respect of which the public prosecutor is entitled to prosecute at the public instance; and after the public prosecutor shall have finished his examination, to put any legal and competent question relating to the offence under investigation to any witness so examined by the public prosecutor, or who shall be produced by the said protector or assistant-protector for examination.

11. And whereas it appears to be the object and intent of the 10th section of his Majesty's Order in Council dated 2d February 1830, to provide, that the protector or assistant-protector of slaves should receive such notice as may enable him to be present at the trial, and all other the proceedings, not only in every action, suit and prosecution, wherein any slave may be charged with any offence punishable by death or transportation, but also in every action, suit or prosecution, wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave; and in every action, suit and prosecution wherein any question may arise as to the right of any alleged slave to freedom, or respecting the right of any slave to any such property as he or she is by the said Order in Council declared competent to acquire:—And whereas by the said Order in Council no provision has been made as to what notice shall be given to the said protector or assistant-protector, or as to the form and manner in which such notice shall be given, except with respect to actions, suits or prosecutions, wherein any slave may be charged with any offence punishable by death or transportation: And whereas it is expedient to provide and establish regulations whereby the object of the said section of the Order in Council may be accomplished, and its intent carried into effect:—Now therefore, it is hereby provided and declared, that in every action, suit

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or prosecution wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave, the prosecutor, whether public or private, shall cause to be delivered a copy of every indictment for every such offence; when the trial thereof shall be in the supreme court, to the protector, and when the trial shall be in any circuit-court, to the assistant-protector of the district for which such circuit-court is held, two days at least before the commencement of the session of the supreme court, or such circuit-court respectively, at which such indictment shall be tried: And in all cases wherein any such action, suit or prosecution shall be brought in the inferior court of any district, the prosecutor, whether public or private, shall cause to be given to the protector or assistant-protector of slaves for such district, such previous notice of the trial or other proceedings in such action, suit or prosecution, as by law is or shall be required to be given by him to the person prosecuted for such offence in any such action, suit or prosecution: Provided always, that when the protector or assistant-protector for the district shall be actually present in court when any criminal action, suit or prosecution, of which such protector or assistant-protector is by law entitled to have notice as aforesaid, is called on for trial, hearing or determination, the proceedings therein shall not be stayed on the ground that due notice thereof has not been given to the protector or assistant-protector; unless other good and sufficient cause for staying such proceedings shall by such protector or assistant-protector be made to appear to the satisfaction of such court. And it is hereby further provided and declared, that in every action, suit or prosecution, wherein any question may arise as to the right of any alleged slave to freedom, or respecting the right of any slave to any property, the party denying the freedom of any such alleged slave, or pretending right to any property claimed by any such slave, shall cause to be given to the protector or assistant-protector for the district within which such action, suit or prosecution shall be brought, such notice of every such action, suit or prosecution, and of every proceeding therein, as would by the law of the Colony be required to be given by him in any such action, suit or prosecution to the adverse party therein, if of free condition.

12. And it is hereby provided and declared, that the protector or assistant-protector of the district in which any preparatory examination shall be taken respecting any charge against any slave for any crime or offence, shall be entitled to be present at the same. And it is hereby further ordered and declared that no slave shall be committed for trial for any offence punishable by death or transportation, unless notice by or on the part of the officer conducting the preparatory examination shall have been given to such protector or assistant-protector to attend at the examination immediately preceding such commitment for trial; and if such protector or assistant-protector shall attend accordingly, he shall be entitled, previously to such commitment, to have read over to him such examination as may at any time have been taken on such charge in the absence of such protector or assistant-protector; and thereupon to do and require to be done, on behalf of the said slave, all such acts and things as would be competent at that stage of the proceeding to be done, or required to be done, by the said slave, if of free condition: Provided always, that nothing herein contained shall extend or be construed to give to any such slave under examination any right or privilege which would not by law be competent to any person of free condition, or to prevent any magistrate from committing any such slave for further examination, although no notice of such charge has previously been given to such protector or assistant-protector, or from committing any such slave for trial, if after such notice given as aforesaid the protector or assistant-protector shall fail to attend accordingly.

13. And it is hereby provided and declared, that when the protector or any assistant-protector of slaves shall, at any time, under and by virtue of the provisions of his Majesty's Order in Council, dated 2d February 1830, or of this Proclamation, or of any law or ordinance which shall hereafter be in force within this Colony, institute any preparatory examination or prosecution, then and in every such case the witnesses summoned and attending to give evidence at any such preparatory examination, or at the trial in any such prosecution, whether summoned at the instance of such protector or assistant-protector, or of the party accused, shall be entitled to receive, and shall receive payment of their expenses in like manner; and subject to the same rules, regulations and limitations as are by the Ordinances Nos. 59 and 69 enacted with respect to the payment of the expenses of witnesses summoned and attending to give evidence on criminal trials, and preparatory examinations at the instance of the public prosecutor: And in every such case such protector

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or assistant-protector shall be and he is hereby authorized and required to do and require to be done all acts and things which by the enactments of the said Ordinances any clerk of the peace is authorized or required to do, or to require to be done.

God save the King.

Given under my hand and seal this 9th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell,*
Secretary to Government.

Enclosure 3, in No. 21.

RULES, PROVISIONS and REGULATIONS, conformable to the Laws and Usages now in force in the Courts erected by the Governor of the Colony of the Cape of Good Hope, by and with the advice of the Council of Government, under the authority of His Majesty's Royal Charter of Justice, made, ordained and established by the said Governor in Council, by and with the advice of the Chief Justice of the Colony, touching and concerning the manner in which any slave, or the protector or any assistant-protector of slaves shall proceed, under and by virtue of his Majesty's Order in Council for improving the condition of the Slaves in this Colony, and dated the 2d day of February 1830, in instituting, conducting or defending any civil action, suit or criminal proceeding in the Courts of the resident magistrates respectively, of and within the said Colony.

1. In all civil and criminal cases brought before the courts of the resident magistrate within any district of this colony, or before the court of the Judge of Police in Cape Town, in which any slave, or the protector or any assistant-protector of slaves shall in such his official capacity (under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony), be authorized or required to appear, act, sue, prosecute or defend, such slave, protector or assistant-protector shall be entitled to do and to require to be done all acts and things which any person of free condition, having a legal title on his own behalf to appear, act, sue, prosecute or defend in any such case as aforesaid, might lawfully do or require to be done.

2. In all criminal cases and proceedings which such protector or assistant-protector shall (under and by virtue of his Majesty's Order in Council, dated the 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony), be authorized or required to institute and conduct, in or before the court of any resident magistrate as aforesaid, or in or before the court of the Judge of Police in Cape Town, such protector or assistant-protector shall respectively institute or conduct the same in like manner and form as the attorney-general, or any clerk of the peace (is or shall be by any rule, order or regulation duly ordained, established and declared respectively, the manner and form of proceeding in any such courts as aforesaid respectively directed to proceed), and shall in all such cases and proceedings as aforesaid be entitled respectively to require the enforcement of every rule, order and regulation duly ordained, established and declared respectively, the manner and form of proceeding in any such courts as aforesaid, in like manner as is by law competent to the attorney-general, or any clerk of the peace respectively, in any criminal prosecution at the public instance in any such courts as aforesaid.

3. In all civil cases or proceedings which the said protector, or any assistant protector, shall under and by virtue of his Majesty's Order in Council dated the 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony,

colony, be authorized or required to institute, conduct or defend in or before the court of any resident magistrate as aforesaid, for or on behalf of any slave, such protector or assistant-protector, upon filing with the clerk of such court a certificate signed by such protector or assistant-protector, that he has examined into the case of the said slave, and considers him to have a good cause of action or defence, as the case may be, shall respectively be entitled to institute, conduct and defend the same, free from the payment of all and every fee or charge of office whatsoever.

Given at the Cape of Good Hope this 9th day of August 1830.

By order of his Excellency the Governor.

(signed) *John Bell*, Secretary to Government.

By order of the Council.

(signed) *Richard P. Nichols*, Acting Clerk of the Council.

(signed) *John Wylde*, Chief Justice of the Colony.

Enclosure 4, in No. 21.

PROCLAMATION by his Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander-in-Chief of His Majesty's Castle, Town and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

For appointing a certain day of the week on which a Market may be holden for the resort of slaves, and for the regulation of such Market; for defining what shall be deemed works of necessity in which slaves may be employed on Sunday; and for prescribing the modes of punishment which in the case of female slaves are to be substituted for the punishment of whipping, scourging, or beating.

WHEREAS by an Order of his Majesty the King in Council, dated at the Court of Windsor, the 2d day of February 1830, "For consolidating the several Laws recently made for improving the condition of the slaves in his Majesty's Colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius," the Governor of this colony is required to appoint by Proclamation a certain day in the week in which markets may be holden instead of Sunday markets, and to define every work of necessity in which slaves may be lawfully employed on Sunday, and to prescribe the nature and extent of punishment to be substituted for whipping, or other corporal punishments, in the case of female slaves: I do therefore hereby appoint a market to be holden at Cape Town, being the only place within this colony where it hath heretofore been customary to hold markets on Sunday, between the hours of one and four, in the afternoon of every Wednesday during the months of April, May, June, July, August and September, in each year: and between the hours of three and six, on the afternoon of the same day, during the remaining six months of the year: Provided always, that no slave shall have a right to resort to the said weekly market, nor shall resort thereto, unless by the previous sanction of his or her proprietor. And I do further declare, that the works hereinafter defined are to be considered works of necessity, on which it shall and may be lawful for any person to employ any slave or slaves, under the provisions set forth in the 20th section of the aforesaid Order in Council, namely:

1. Ploughing and sowing the land, and completing the agricultural operations necessary in such cases, in order to secure the favourable season of the year.
2. Reaping and securing the crops during the harvest season.
3. Pruning vines at the proper time.
4. Gathering and housing the grapes.
5. Commencing

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5. Commencing, carrying on, and completing the process of making wine.
6. Irrigating in the dry season such fields, vineyards or gardens, as have but a limited and periodical supply of water.
7. Assisting in the preservation of cattle, or live stock, in pressing cases.
8. Watching, in turns, the fields, vineyards or gardens, when the crops are on the ground and liable to depredation ; provided such fields, vineyards or gardens belong to the owner or manager of the slaves so employed.
9. Assisting on any neighbouring estate to prevent or arrest the progress of any accidental calamity by fire, flood or hurricane.
10. Going on any journey, or carrying any letters or other things, in cases of urgent and unavoidable necessity.

Provided always, that nothing herein contained shall extend or be construed to prevent any proprietor or manager from employing his slave or slaves in preventing or arresting the progress of such accidental calamities as aforesaid, or in attending him or her, or any of his or her family on any journey, or in attending in turn on sick comrades, or in watching violent and refractory slaves, or in assisting at interments of persons deceased on the estate, without payment for services rendered on any such occasions of pressing and inevitable necessity.

And I do further declare, that one or other of the several modes of domestic punishment hereinafter defined shall and may lawfully be substituted for any such punishment by whipping, scourging, or beating of the person of a female slave, as may have been heretofore authorized by law in this colony, namely :

1. Solitary confinement in some dry and sufficiently airy place, with the ordinary allowance of food, not exceeding three days.
2. Solitary confinement in such place as aforesaid, on bread and water, or rice-soup, not exceeding forty-eight hours.
3. Bread and water, or rice-soup diet, not accompanied by confinement, for any period not exceeding forty-eight hours.
4. Putting in the stocks privately, or in any place sheltered from the sun's rays and from the rain, from sunrise to sunset, or for any shorter period, with the ordinary allowance of food, or on bread and water, or rice-soup.
5. Confinement for the whole or part of Sunday, either solitary, in the stocks, or otherwise, or confinement in such place as aforesaid, on bread and water, or on rice-soup, if the offence for which such punishment is to be inflicted shall have been committed at any time during the preceding day.

Provided always, that any female slave under the age of ten years may be punished in the manner pointed out in the 24th section of the aforesaid Order in Council.

God save the King.

Given under my hand and seal this 12th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell*, Secretary to Government.

Enclosure 5, in No. 21.

(No. 75.)

(signed) *G. Lowry Cole.*

ORDINANCE of His Excellency the Governor in Council for regulating as to the Food, Clothing, Lodging, and Hours of Labour for Slaves in this Colony.

Preamble.

WHEREAS under and by virtue of his Majesty's Order in Council, dated 2d day of February 1830, the Ordinance No. 19, dated 19th day of June 1826, for improving the condition of slaves within the colony, and heretofore in force within the same, has become and is revoked, repealed and annulled :

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And whereas it has therefore become and is expedient that certain regulations consistent with his Majesty's said Order in Council, and not repugnant thereto, should be made and re-enacted, touching and concerning the food, clothing, lodging, and labour of slaves within the colony; Be it therefore hereby enacted, that from and after the 26th day of the present month of August every slave within this colony shall be supplied by his or her owner or manager with sufficient and wholesome food, and with good and sufficient clothing, suitable according to the custom of the colony to the sex, age, condition, or peculiar employment of such slave; and also with dry and comfortable lodging and bed-covering: and in case any complaint as to the quality or deficiency thereof, in any respect, shall be proved to the satisfaction of the magistrate before whom the complaint may be duly brought, the owner or manager against whom such complaint may be made shall, in and as to every particular case of deficiency, incur and be liable to a penalty of not less than 2 *l.* 10 *s.* sterling, and not exceeding 5 *l.*

Slaves to be supplied with sufficient food, clothing, lodging and bed-covering;

under a penalty;

Slaves not to be compelled to work during sickness, nor more than a certain number of hours each day;

under a penalty; and compensation to be made to the slave for his extra labour;

but slaves may be employed for extra labour with their own free will, for which they shall receive remuneration.

Prosecutions under this Ordinance, to be brought by Protector, or his assistant, in resident magistrate's Court.

Slaves having preferred unfounded complaints under this Ordinance, to be treated as directed by 72d Section of the Order in Council; and all penalties to go to His Majesty.

And be it further enacted, that no slave in this colony shall be compelled to work during any sickness rendering him unfit for the same; or when employed in garden or field-labour, or in any manufactory, or as a mechanic, shall be compelled to work more than 10 hours in each 24 hours, from the 1st day of April to the 30th day of September; nor more than 12 hours in each 24 hours, from the 1st day of October to the 31st day of March, under and subject in each particular case to a penalty, to be paid by the owner, manager, or person so compelling such slave to work during sickness; or beyond the hours hereby fixed, of not less than 1 *l.*, and not exceeding 5 *l.* for each offence, for and in respect of each day such slave shall have been so wrongfully compelled to labour, over and above a fair compensation in money to the slave, for the extra labour which he has been required to perform: Provided always, that nothing herein contained shall extend or be construed to prevent any owner, manager, or other person from employing slaves, with their own free will and consent, beyond the hours of labour hereby established; and provided also, that for all such extra labour a fair remuneration shall be made by the employer to each slave so employed, either in money, or by an additional allowance of food, at the option of the slave.

And be it further enacted, that all prosecutions under this ordinance shall, except for offences committed by the protector, or any assistant-protector of slaves, be brought at the instance exclusively of the protector of slaves, or of the assistant-protector for the district in which the offence so to be prosecuted has been committed, in the court of the resident magistrate of such district.

And be it further enacted, that all complaints touching any of the offences created under and by virtue of this ordinance, and appearing upon the proof to have been preferred by or on account of any slave or slaves, without foundation, shall be treated and disposed of under and according to the provision contained in the 72d section of the said Order in Council. And all penalties to be recovered under and by virtue of this ordinance shall go to His Majesty.

God save the King.

Given at the Cape of Good Hope, this 9th day of August 1830.

By Command of His Excellency the Governor.

(signed) *John Bell*, Act. Sec. to Government.

By Order of the Council,

(signed) *Rich. P. Nichols*, Act. Clerk of the Council.

Enclosure 6, in No. 21.

No. 76.

(signed) *G. Lowry Cole*.

ORDINANCE of his Excellency the Governor in Council for regulating as to the Baptism and Interment of Slaves, and declaring Punishments in certain cases to be illegal.

WHEREAS under and by virtue of his Majesty's Order in Council, dated 2d day of February 1830, the Ordinance No. 19, dated 19th day of June 1826, for improving the condition of slaves within the colony, and heretofore in force within the same, has become and is revoked, repealed and annulled; And whereas it has

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Owners to cause the children of their female Christian slaves to be baptized, and report the baptism to the Protector or Assistant Protector, within one month,

under a penalty; and clergymen to transmit quarterly reports of such baptisms solemnized by them, on certain days,

under a penalty.

Bodies of slaves not to be interred till inspected, and permission granted by the proper authority,

under a penalty of 5*l*.

Such authorities refusing to act, liable to a penalty;

in case of necessity the neighbours may be called in to inspect;

and shall transmit a certificate to the nearest authority, under a penalty of 5*l*.

When there is a suspicion that death has been caused by unfair means, certificate to be refused, and report to be made to the nearest local authority,

who shall inspect and give such directions touching the body as may be deemed requisite,

and transmit reports to the Clerk of the Peace,

who shall notify the same to the Protector, or assistant-protector, under a penalty of 10*l*.

Local authorities improperly granting certificates for interment, deemed guilty of a misdemeanor.

Penalties to be sued for by Protector or assistant-protector in the resident magistrate's Court, and to go to His Majesty.

therefore become and is expedient that certain regulations, consistent with his Majesty's said Order in Council, and not repugnant thereto, should be made and re-enacted, touching and concerning the baptism and interments of slaves, and declaring punishments in certain cases to be illegal; Be it therefore, and it is hereby enacted and declared, that the owner or manager of any Christian female slave, who, whether lawfully married or not, may be or become the mother of a child or children, shall cause such child or children to be baptized within twelve months after the birth of such child or children, and shall report every such baptism to the protector of slaves, or to the assistant-protector of the district where such owner or manager may reside, within one calendar month after such baptism; or in default thereof, shall incur and become subject, as to each and every such slave-child, to a penalty of not less than one pound, and not more than three pounds; and every clergyman who shall baptize any such slave-child or children shall prepare on the 1st day of the months of March, June, September and December, and transmit within ten days thereafter to the said protector or assistant-protector of the district in which such clergyman resides, a report of all such baptisms so solemnized by him, within the terms respectively of the three preceding months, or in default thereof shall in like manner be and become subject in such case to the penalty hereinbefore made and provided.

II. And be it further enacted, That it shall not be lawful for any owner or manager of a slave or slaves to cause or permit the body of a deceased slave to be interred until the same shall have been inspected by, and a written permission for that purpose obtained from, the nearest district-surgeon, field-cornet, or provisional field-cornet, within whose jurisdiction the deceased shall have last resided, or within which the death took place, under a penalty of five pounds sterling; and if any of the aforesaid local authorities shall refuse to attend at such inquest, or shall wrongfully refuse such written permission as aforesaid, he shall incur and be liable in either case to a penalty of not less than five pounds, and not exceeding the sum of ten pounds sterling: Provided always, that in any case where it may not be possible to procure the attendance of any of the aforesaid local authorities within 24 hours after the death of such slave, it shall and may be lawful for such owner or manager to call in any two neighbours, being free persons, and not under the age of 21 years, to inspect the said body, who shall certify in writing, under oath, if thereunto afterwards duly required, the name, sex, and apparent age of the deceased, the state of the body, and the apparent or probable cause of death; and thereupon the owner or manager shall be permitted to inter the body; but he shall cause the said certificate to be delivered to the nearest of the before-mentioned local authorities within 48 hours after the death, under a penalty of five pounds: And provided further, that if on any such inspection by the local authority, or by the parties called in, it shall appear probable from marks on the body, or from any other circumstances, that the deceased came to his or her death by unfair means, then the said certificate shall be refused, and the parties called in shall make an immediate report to the nearest local authority as aforesaid, who shall forthwith proceed to inspect the body, and shall thereafter, as well as in any case where he himself shall have seen fit to refuse his written permission for interment, as in the case of parties being called in, give such directions as he shall in his discretion see fit for the safe keeping, or if absolutely necessary, for the interment of the body; and shall carry, or transmit without any delay, his own report, together with the report of the said parties, as the case may be, to the clerk of the peace of the district within which the inspection took place; and it shall be the duty of the said clerk of the peace, and he is hereby directed to make instant notification of such reports received by him to the protector of slaves, or his assistant in the said district, under a penalty of ten pounds. And any local authority as aforesaid, or any person so called in to inspect the body of a deceased slave, who shall be proved to have wilfully granted or concurred in granting a certificate for interment in any case where such slave may be afterwards proved to have come to his death by unfair means, shall be and be deemed guilty of a misdemeanor, and shall be subject on conviction to such punishment as is provided by the 74th section of the aforesaid Order in Council.

III. And be it further enacted, That all prosecutions for the recovery of any of the penalties hereinbefore provided and set forth, except in the said case of misdemeanors, and except as to cases where the protector of slaves, or any assistant-protector may be and become liable to the same, shall be brought at the instance exclusively of the protector or assistant-protector for the district in which the offence

to

to be prosecuted has been committed, in the court of the resident magistrate of such district, and all such penalties when recovered shall go to his Majesty.

IV. And be it further enacted and declared, That any correction or punishment inflicted on any male slave by the flogging, whipping, scourging or beating of his person, which shall be proved to the satisfaction of the Court before which complaint thereof may be made, to have been so severe as to have caused greater injury to the person or to the health of such slave than would have been caused by the infliction of 25 stripes on his person, with any instrument which is or may be now used, or which may hereafter be ordered or allowed to be used, for inflicting punishment within any gaol in this colony, shall be deemed to be an illegal punishment, and to be in contravention of the provisions of the 22d section of the aforesaid Order of his Majesty in Council.

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Punishment, greater than would have been caused by 25 stripes with any legal instrument, to be deemed illegal.

V. And be it further enacted and declared, That any punishment, other than by flogging, whipping, scourging, or beating of the person of any male slave, which may have been inflicted for a fault previously committed, and which in the exercise of a reasonable discretion shall appear to the Court before which any complaint or prosecution in respect of the infliction of any such punishment may be brought, to have been of such a nature as not to have caused a greater injury to the person or to the health of the slave so punished than would have been caused by a corporal punishment of 25 stripes, inflicted in manner allowed by law, shall not be deemed to be an illegal punishment, or in contravention of the 22d section of the aforesaid Order in Council.

What shall be deemed a legal punishment.

VI. And be it further enacted and declared, That any punishment inflicted on any male slave at any time, when by reason of sickness, or of suffering from any injury not occasioned by a former legal punishment, such slave shall not be in a condition to endure such punishment, although otherwise it might have been legally inflicted, shall be deemed to be an illegal punishment, and to be in contravention of the said 22d section of the aforesaid Order in Council.

Punishment of slaves, when in a state of sickness, illegal.

God save the King.

Given at the Cape of Good Hope this 9th day of August 1830.

By Command of His Excellency the Governor.

(signed) *John Bell,*
Secretary to Government.

By Order of the Council.

(signed) *Rich. P. Nichols,*
Acting Clerk of the Council.

Enclosure 7, in No. 21.

PROCLAMATION by His Excellency Lieutenant-General the Honourable Sir *Galbraith Lowry Cole*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Colonel of His Majesty's 27th Regiment of Foot, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c. &c. &c.

WHEREAS by the 81st section of his Majesty's Order in Council, dated the 2d day of February 1830, the Governor of this colony is directed to determine, by a Proclamation to be by him for that purpose issued, the divisions of the colony which shall be deemed and taken to be the districts thereof, for the purposes and within the meaning of the said Order in Council, I do therefore hereby direct, that for the purposes aforesaid, this colony shall be divided into eleven districts as hereinafter mentioned; and that in each of the said districts there shall be such a number of assistant-protectors of slaves as is hereinunder stated, or as the exigency of the public service may hereafter require, who shall be appointed by any public notice to be issued from time to time by my Order, or by the Order of the Governor of this colony for the time being, and who shall establish and keep their offices at such places as shall be notified at the time of their respective appointments:

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1. Cape Town, and the district thereof, and the Cape district
one assistant-protector of slaves.
2. Stellenbosch - one assistant-protector of slaves.
3. Swellendam - one - ditto - - ditto.
4. Worcester - - one - ditto - - ditto.
5. Clan William - one - ditto - - ditto.
6. Albany - - one - ditto - - ditto.
7. Graaf-Reinet - two - ditto - - ditto.
8. Beaufort - - two - ditto - - ditto.
9. Uitenhage - - two - ditto - - ditto.
10. George - - two - ditto - - ditto.
11. Somerset - - two - ditto - - ditto.

And whereas by reason of the great extent of this colony, and of the distances from the seat of government of those districts which form the eastern division of the colony, namely, Albany, Graaf-Reinet, Beaufort, Uitenhage, George and Somerset, great inconvenience may arise to the public service, and it is expedient and necessary that such provision be made, the same not being at variance or inconsistent with the said Order in Council, as shall remedy as far as may be the inconvenience aforesaid, I do further direct, that one of the assistant-protectors of slaves in the said eastern division shall be a principal assistant to the protector of slaves, and shall do all matters and things within any of the districts of the said eastern division, which may legally be done by him on behalf of the said protector of slaves; and shall cause all such lawful instructions as he shall receive from the said protector, or which he by authority of the said protector shall see fit to give to the assistant-protectors of the said districts forming the eastern division, or any of them, to be obeyed and executed by the said assistants, who are hereby required and enjoined to obey and execute all such lawful instructions accordingly.

God save the King.

Given under my hand and seal this 19th day of August in the year of our Lord 1830.

(signed) *G. Lowry Cole.*

By command of his Excellency the Governor.

(signed) *John Bell,*
Secretary to Government.

Enclosure 8, in No. 21.

RULES promulgated in open Court, 19th August 1830.

1. It is ordered by the Court, that every deed of manumission of any slave or slaves within this colony, bond, certificate of valuation, and receipt, which under and by virtue of his Majesty's Order in Council dated 2d February 1830, shall be presented to the registrar of this Court, in order to be enrolled, registered, or deposited among the records of this Court, shall be forthwith by the said registrar enrolled, registered, and deposited accordingly, without fee or reward.

2. It is ordered by the Court, that in all actions, suits and proceedings, whether civil or criminal, before the Supreme Court, or any circuit-court, in which any slave, or the protector, or any assistant-protector of slaves, shall in such his official capacity, under and by virtue of His Majesty's Order in Council dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony, under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to appear, act, sue, prosecute, or defend; such slave, and protector and assistant-protector, shall be entitled to do and to require to be done all acts and things which any person of free condition, having a legal title on his own behalf to appear, act, sue, prosecute or defend, in any such action, suit or proceeding as aforesaid, might lawfully do or require to be done.

3. It

3. It is ordered, that such protector of slaves shall in every action, suit or proceeding as aforesaid, enjoy and possess, and may lawfully exercise every power, privilege and faculty which would by law be competent to any barrister or advocate duly admitted to practise as such in this Court, if such barrister or advocate were employed to appear and act on behalf of any client of free condition, in any such action, suit or proceeding or aforesaid; except the right of claiming or receiving any fee which may be claimed or received by a barrister or advocate in respect of his services as counsel in any cause.

4. It is ordered, that such protector and assistant-protector of slaves shall in every action, suit or proceeding as aforesaid, enjoy and possess, and may lawfully exercise every power, privilege and faculty which would by law be competent to any attorney duly admitted to practise as such in this Court, if such attorney were employed to appear and act on behalf of any client of free condition in any such action, suit or proceeding as aforesaid, except the right of claiming or receiving any fees which may be claimed or received by an attorney of the Court in respect of his services as an attorney in any cause.

5. It is ordered, that in all criminal actions, suits and proceedings, which the said protector, or any assistant-protector, shall under and by virtue of his Majesty's Order in Council, dated 2d February 1830, or under and by virtue of any proclamation issued by the Governor of this colony under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to institute and conduct in the Supreme Court, or any circuit-court, such protector or assistant-protector shall respectively institute and conduct the same in like manner and form as the Attorney General, or any clerk of the peace is or shall be respectively by any rule or order of this Court directed to proceed, and shall in all such actions, suits and proceedings as aforesaid, be respectively entitled to require the enforcement of every rule or order of this Court, in like manner as is or shall be by law competent to the Attorney General, or any clerk of the peace respectively, in any criminal prosecution at the public instance in the Supreme or any circuit-court.

6. It is ordered, that in all civil actions, suits or proceedings, which such protector, or any assistant-protector, shall under and by virtue of his Majesty's Order in Council dated 2d February 1830, or under and by virtue of any Proclamation issued by the Governor of this colony under the authority of the said Order in Council, or under and by virtue of any law or ordinance which shall hereafter be in force within this colony, be authorized or required to institute, conduct or defend in the Supreme Court, or any circuit-court, for or on behalf of any slave, such protector or assistant-protector, upon filing with the registrar of this Court, or with the registrar or other person authorized to issue the process of any circuit-court, a certificate signed by the said protector, or assistant-protector, that he has examined into the case of the said slave, and considers him to have a good cause of action or defence, (as the case may be) shall respectively be entitled to institute, conduct and defend the same, free from the payment of all and every fee or charge of office, or otherwise, in like manner to all intents and purposes as any party admitted to sue or defend as a pauper in the said Courts may lawfully do.

By the Court.

(signed) *T. H. Bowles,*
Registrar of the Supreme Court.

Enclosure 9, in No. 21.

Government Notice.

UNDER the 8th section of his Majesty's Order in Council, dated the 2d February 1830, and in terms of the Proclamation of this date issued by the Governor of this colony, under and by virtue of the 81st section of the said Order in Council, his Excellency has been pleased to make the appointments; viz.

Donald Moodie, Esq. to be a principal assistant to the protector of slaves, within the Eastern division of this colony, and to be assistant-protector in the district of Albany, and one of the assistant-protectors in each of the districts of Graaff-Reinet, Beaufort, Uitenhage, George, and Somerset; his principal office is to be established and kept at Graham's Town.

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Q

Mr. J. Auret

CAPE OF
GOOD HOPE.

Mr. J. Auret to be one of the assistant-protectors of the district of Graaff-Reinet.
 Mr. J. Meintjes to be one of the assistant-protectors of the district of Beaufort.
 Mr. A. Tennant to be one of the assistant-protectors of the district of Uitenhage.
 Mr. J. P. Swemmer to be one of the assistant-protectors of the district of George.
 Mr. C. J. Auret to be one of the assistant-protectors of the district of Somerset.
 Mr. O. M. Bergh, M. Son, to be assistant-protector at Stellenbosch.
 Mr. Wm. Beddy to be ditto of Worcester.
 Mr. C. M. Lind to be ditto of Clan William.
 Mr. F. Rawstorne to be ditto of Swellendam.

At each of which places they shall establish and keep their offices respectively.
 The above appointments will bear date the 26th instant.

By command of his Excellency the Governor.

(signed) *John Bell,*
 Colonial Office, Cape of Good Hope, } Secretary to Government.
 19th August 1830. }

Enclosure 10, in No. 21.

Government Notice.

NOTICE is hereby given, that under the apparent intent and meaning of the 2d section of his Majesty's Order in Council, dated the 2d day of February 1830, the present guardian of slaves in the Western division of this colony, George Jackman Rogers, Esq. will become and be the protector of slaves in this colony, from and after the 26th instant; subject, however, to his Majesty's pleasure in regard to any future appointment of a protector of slaves in the Eastern division of this colony.

By command of his Excellency the Governor.

(signed) *John Bell,*
 Colonial Office, Cape of Good Hope, } Secretary to Government.
 19th August 1830. }

— No. 22. —

COPY of a DESPATCH from Viscount *Goderich* to Sir *Lowry Cole*,
 dated 18th December 1830.

Sir,

Downing-street, 18th December 1830.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th of August last, addressed to my predecessor in office, transmitting various Proclamations issued by yourself, and Ordinances issued by you with the advice of the Council of Government of the Cape of Good Hope, and certain Rules made by the Judges of the Supreme Court of that colony, in consequence of the Instructions contained in Despatches from the Secretary of State under date of the 19th and 20th of March last, and in the order made by his late Majesty in Council on the 2d of February last, for improving the condition of the slaves in certain of his Majesty's colonies.

In the Proclamation of the 12th of August is contained an enumeration of those works of necessity which slaves may be compelled to perform on Sunday; amongst them I find the following:

1. "Ploughing and sowing the land, and completing the agricultural operations necessary in such cases, in order to secure the favourable season of the year.
2. "Reaping and securing the crops during the season.
3. "Pruning

3. " Pruning vines at the proper time.
4. " Gathering and housing the grapes.
5. " Commencing, carrying on, and completing the process of making wine.
6. " Irrigating in the dry season such fields, vineyards, or gardens, as have but a limited periodical supply of water."

The 6th and last of these operations I mention chiefly for the purpose of contrasting it with the preceding five. In a climate so arid as is that of the Cape of Good Hope, to suspend the process of irrigation for a single day might be highly inconvenient, and necessity may perhaps fairly be pleaded for this invasion of the repose of Sunday; but to sanction all the agricultural operations which precede and accompany the corn and wine-harvests, and all the manufacturing processes connected with the making of wine, is virtually to abolish the day of rest altogether: the very object of the Order in Council will be defeated by the Proclamation which thus professes to carry it into effect.

Upon the same subject I observe that it is permitted to send slaves on Sunday as the carriers of letters, or of any other thing, in cases of urgent and unavoidable necessity. Upon this provision I would remark, that the Order in Council itself authorizes the employment of slaves in all cases of necessity, and refers to the Governors of the several colonies the duty merely of finding a precise definition of the term; but the regulation which I have quoted does not explain the rule, but simply repeats it, and therefore leaves the subject in that obscurity which it was the express object of the reference to you to obviate.

The same Proclamation determines what are the punishments which in the case of women are to be substituted for whipping; they are solitary confinement, low diet, and the stocks: I am not aware that any better provision could be made for a case so replete with difficulty. I must observe, however, that the law does not require the interposition of any specific interval between successive punishments, so that by imputing to a slave a large number of offences, the owner, should such be his pleasure, might subject her to the stocks, or to solitary imprisonment for an indefinite length of time.

I am unable to concur in the reasons which you have assigned for departing from my predecessor's instructions on the subject of the imprisonment of female slaves upon Sunday. You state, that so depraved is the character of many female slaves, that their Sunday is not a day of rest, but of debauchery and dissipation. If such be really the habits of these women, I cannot doubt that their moral must be attributed to their social condition; nor can I suppose that the bad character which has been engendered by living in a state of slavery would be improved by passing in solitary confinement the day appropriated to instruction and repose; on the contrary, I should anticipate that such discipline would at once perpetuate and increase the evil. You also remark that you cannot see why the master should lose his slave's labour if the punishment be deserved, nor why in that case the entire weight of suffering should not be sustained by the criminal herself. In reference to that observation, it should, I think, be borne in mind that this is not a question of municipal law to be administered by the magistrate, but of domestic correction to be inflicted at the sole will of the owner; although it may be very right that the entire penalty of crimes committed against society at large should fall on the offender by whom it is incurred, it is not undesirable, in the more narrow circle of domestic life, that every punishment should be a positive inconvenience to the superior by whom it is inflicted; by thus inducing a wholesome reluctance to punish, the best possible security is taken against an arbitrary use of power. If the owner of a female slave may commit her to prison on Sunday, he so far loses the motives for the vigilant superintendence of his household. The apprehension of the inconvenience to which the misconduct and consequent punishment of any member of the family would subject the proprietor himself cannot but have a salutary influence on his own domestic government. I therefore entirely adopt my predecessor's opinion, that imprisonment on Sunday should be inflicted by the magistrate only, and not by the owner himself.

I do not feel the force of the difficulty you suggest of allowing the owner to pass the Sunday in the resolution of inflicting punishment on the succeeding day; if the punishment be merited I cannot discover why the fixed purpose of inflicting it should be regarded as anti-christian, and if unmerited, or if inflicted merely from motives of revenge, it is alike contrary to the principles of religion on whatever day of the week it may take place.

CAPE OF
GOOD HOPE.

The Ordinance, No. 75, makes provision for regulating the food, clothing, lodging, and hours of labour of the slaves. I fear that the enactments of this law are too indefinite to give much promise of their being effectual. Thus it is enacted, that the food shall be "sufficient and wholesome," the clothing "good and sufficient," and the lodging "dry and comfortable." The design of the Ordinance would have been better answered had the minimum of food and lodging been determined by a specific enumeration of the articles to be supplied.

With reference to your observations as to the shortness of the time allowed for the promulgation of the law, and the injury which you represent may be done to persons who, from the distance at which they live from the seat of government, and from the settled country, may offend against the Order from an unavoidable ignorance of its provisions, I entirely admit the propriety of great indulgence being shown for some time to come in every case of real or presumable ignorance. Except in extreme cases, no one should be prosecuted under this Act in whose favour that plea can be plausibly urged; you will, however, bear in mind, that a very large part of the Order is a simple repetition of enactments which have been long in force, and that the novelty consists much more in the form than in the substance.

I shall not fail to consider fully whether it may not be fitting to disunite the two offices of protector of slaves in the Eastern and Western districts of the colony; and I hope to be able ere long to convey to you some definite instructions on that subject. In the mean time I concur with you in thinking that the office of Registrar of Deeds ought not to be held by the protector, although it is necessary that the protector should continue charged with the registry of slaves. You will have the goodness, therefore to make arrangements for annexing the registration of deeds to some other office (the clerk of the council, for instance) the principal of which may have sufficient leisure to undertake that duty; and I trust that by re-modelling the establishment of the offices of the registrar of slaves and deeds, and protector of slaves, it will be found practicable to provide for the proper registration of deeds without imposing additional expense on the Public. Whatever change may be permanently effected in this part of the law must be introduced by an amendment of the Order in Council; in the mean time I approve the course you have taken to obviate the legal difficulties incident to the abolition of the office of protector of the Eastern District.

The objection made by the Judges to the promulgation on your authority, and without the advice of your council, of a law regulating the food and clothing of slaves, and other topics not noticed in the Order in Council, seems to have been perfectly well founded, and was not, as it seems to me, at variance with any part of Sir George Murray's Instructions. He pointed out the necessity of the Governor legislating alone for the single purpose of issuing those Proclamations without which the Order in Council would have been ineffectual; upon subjects distinct from the Order, the Governor was left to legislate according to the ordinary system, for no opposite directions were given. This is precisely the distinction which was taken by the Judges, and very properly adopted by yourself.

For the reasons which I have thus explained, you will revoke so much of the Proclamation of the 12th of August as authorizes the first five agricultural and manufacturing operations already noticed; you will substitute for the general description a precise definition of the cases in which slaves may be employed in the carriage of articles on Sunday. You will carry into execution precisely Sir George Murray's Instructions respecting the imprisonment of female slaves on Sunday. You will propose to the Council to amend the Ordinance No. 75, by defining more precisely the amount and nature of the food, clothing and lodging to be provided for slaves. Subject to these Instructions, His Majesty is graciously pleased to confirm and allow the Proclamations, Ordinances and Rules of Court enclosed in your Despatch of the 28th of August. For the reasons I have already explained His Majesty is pleased to disallow so much of the Proclamation of the 12th of that month as I have already noticed as objectionable.

I have, &c.

(signed) GODERICH.

Sir G. Lowry Cole,
&c. &c. &c.

M A U R I T I U S.

—No. 23.—

COPY of a DESPATCH from Lieutenant General Sir *Charles Colville*, to
Secretary Sir *George Murray*, (with 2 Enclosures.)

MAURITIUS.

Sir,

Mauritius, 7th October 1830.

ON the 6th of August last I had the honour to receive your despatch of the 5th of April, No. 18, accompanied by the Order of His Majesty in Council of the 2d February 1830, for consolidating the several laws recently made for improving the condition of the slaves in His Majesty's colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and the Mauritius.

On the 9th of August I laid before the Council of Government your despatch, and the Order of His Majesty in Council.

On the 9th of September I issued a Proclamation, of which I have the honour to enclose a copy, announcing and introducing the publication here of His Majesty's Order in Council above mentioned.

And, on the 22d of September, after mature consideration of and due deliberation in council upon its various provisions, I issued a further Proclamation, of which a copy is likewise transmitted for your information, explanatory of the 13th, 14th, 15th, 16th, 19th and 20th Articles of the Order of His Majesty in Council of 2d February last.

The points adverted to therein appear to be the most urgent, and I trust they will have been dealt with in a manner likely to meet your approbation : some little attention to local circumstances was absolutely indispensable ; but the spirit of His Majesty's Order in Council has in no instance, I hope, been departed from.

I shall hereafter, pursuant to the 79th Clause, forward for your information, all further Proclamations which may arise out of the King's Order in Council ; and I trust its operation within this colony (when the present agitated state of public feeling shall have subsided) will not encounter any serious difficulty or inconvenience.

I have the honour to be, Sir,

Your most obedient humble servant,

The Right hon. Sir George Murray, G. C. B.
&c. &c. &c.

Chas. Colville.

Enclosure 1, in No. 23.

PROCLAMATION.

In the Name of His Majesty George the Fourth, of the United Kingdom of
Great Britain and Ireland King, &c. &c. &c.

His Excellency Lieutenant-General the Hon. Sir Charles Colville, G. C. B.
and G. C. H., Governor and Commander-in-Chief, &c. &c. &c.

WHEREAS the Order of His Majesty in Council, dated at the Court of Windsor the 2d of February 1830, for consolidating the several Laws recently made for improving the condition of the Slaves in His Majesty's colonies of Trinidad, Berbice, Demerara, St. Lucia, the Cape of Good Hope and Mauritius, has been officially received by the Governor ; the publication thereof, for general information, is hereby ordered by His Excellency. And, with reference to the 82d Article of the said Order, His Excellency directs that a copy may forthwith be sent to the Procureur Général for record in the courts of justice, in pursuance of His Majesty's commands.

Given at the Government House, Port Louis, Mauritius, this 9th day of
September 1830.

(signed) *Chas. Colville.*

By his Excellency's command,

(signed) *G. A. Barry,*Chief Secretary to Gov^t.

(A true copy,)

Q. E. S. Viret, Private Secretary.

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Enclosure 2, in No. 23.

PROCLAMATION.

MAURITIUS.

In the Name of His Majesty George the Fourth, of the United Kingdom of Great Britain and Ireland King, &c. &c. &c.

His Excellency Lieutenant General the Honourable Sir Charles Colville, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief in and over the Island of Mauritius and its Dependencies, &c. &c. &c.

Title. WITH the view and for the purpose of making certain additions and modifications in some of the Articles of His Majesty's Order in Council of the 2d February 1830, as provided for by the Order in Council aforesaid;—

Preamble. In consequence and by virtue of the provisions of His Majesty's Order in Council of the 2d February 1830 aforesaid, purporting that the Governor in each of the colonies therein mentioned respectively shall be authorized to publish Proclamations with a view to the defining and fixing such matters and things as should not be sufficiently determined by the said Order, and after having collected upon the subject the information best calculated for his guidance and direction in the exercise of the powers with which His Excellency is thus invested, and after a due inquiry into the best means of reconciling the execution of the said powers with the customs and usages of the Colony, and in particular with the further improvement of the condition of the slaves, inasmuch as it relates to this matter;—

Has ordered and orders,

Articles that may be lawfully sold in the stalls of bazar on Sunday.

Hours during which such sale is permitted.

Articles, the sale of which is permitted on Sunday (with the exception of milk), live stock destined for the nourishment of man, every description of goods, produce, furniture or manufactured articles are indiscriminately prohibited in the entrance into the town of Port Louis, and its suburbs on Sunday.

The present article to extend to the markets hitherto held in the districts.

The penalty prescribed by the 13th and 14th articles of the Order in Council of the 2d February 1830, to be applied to any infringement of the preceding article.

All canteens to shut from Saturday evening until two o'clock in the afternoon of Sunday.

According to the penalty annexed to the law which prohibits Sunday markets, the infringement of the present article to

1. Adverting to the terms of the powers conferred upon His Excellency the Governor by the 12th, 13th and 14th Articles, and in explanation of the 15th Article of the Order in Council of the 2d February 1830, the sale of those articles, the necessities of life, which in a tropical climate require to be of daily purchase, such as fresh meat, fish, poultry and game, milk, butter, eggs, fruits, and in general all sorts of vegetables, shall not be prohibited on Sunday, but shall take place as usual in the shops or stalls of the bazar on that day. The stalls shall remain open from the break of day, or morning gun-fire, until eight o'clock, in the summer, to wit, from the September equinox to the equinox of March, and until nine o'clock in the winter, or from the equinox of March to that of September, Divine Service or the parochial mass commencing at those hours.

It is to be observed, that (with the exception of milk, which is frequently required as a medicine) none of the above articles, the sale of which is permitted on Sunday, nor any live stock destined for the subsistence of man, such as oxen, calves, sheep, pigs, and poultry, nor any description of provisions, furniture, or other manufactured goods of any kind whatsoever, shall on Sunday be permitted to enter the town or suburbs of Port Louis, whether conveyed in carts or on beasts of burthen, or carried by freemen or slaves.

The provisions of the present Article shall extend and be applied to the markets or bazars which have hitherto been habitually held, whether at Mahebourg, at the Post of Flacq, or in the Plain of Pamplémousses Church, in as far as they may be applicable thereto.

2. Any infringement of the dispositions in the preceding Article shall be subject to the penalty pronounced in the 13th and 14th Articles of the Order in Council aforesaid.

to be applied to any infringement of the preceding article.

3. The canteens in the town of Port Louis, its suburbs and precincts, and in all places whatsoever where authorized or privileged canteens exist, shall be shut up from Saturday evening, at the usual hour, until two o'clock in the afternoon of Sunday, but may be opened from that hour until sunset.

In all cases of infringement of the above prohibitions, whether by vending, distributing or furnishing before the hour above mentioned, either in a canteen, or from a canteen, any kind of spirituous liquors, the proprietor of the said canteen where such liquors shall have been distributed, delivered or sold, shall be subject to

to prosecution, and punished by fine and confiscation of the liquors, as guilty of having violated the law which prohibits Sunday markets. be punished by fine and confiscation.

4. In conformity with what is prescribed by the 16th Article of His Majesty's Order in Council of the 2d February 1830, and in order to provide a general market in lieu of that which has hitherto been held upon Sunday in the town of Port Louis, at which slaves were in the habit of exposing for sale provisions, grain, vegetables, and other articles or goods, the produce of their labour or industry, there shall be opened upon Saturday, from twelve o'clock at noon until sunset, in the town of Port Louis, and at the place there established for such purpose, a public market or bazar, to which masters may and are hereby recommended to send such of their slaves as may have for sale, whether on their own or their masters' account, such articles of furniture, live stock, or other objects of the nature of those above indicated; and in particular to grant this permission to those among their slaves who by their general conduct and attention to their work have merited the indulgence and favourable consideration of their masters, for the bettering the condition of themselves and families.

Slaves will not be admitted to the said market for the purpose of exposing to sale any objects or articles they may possess, unless they be furnished with a pass-ticket from the master or manager to whom they may belong, or under whose authority they may be placed. These slaves shall be bound to leave the market-place immediately after sunset; nor shall it be lawful for them to remain in the town of Port Louis, or other market-places, unless permission to that effect be expressly granted in the written passport of the master or manager aforesaid. A market to be opened in Port Louis and the districts on Saturday, from the hour of twelve at noon until sunset, in lieu of the Sunday markets, and to which masters may send such of their slaves as have articles to sell on their own or their masters' account.

Slaves to be supplied on such occasions with a written permission from the master or manager. To leave the bazar immediately after sunset, and not to stay in town or in the other market-places without an additional specified leave to that effect.

N. B.—And in order to facilitate as much as possible the sale of the said articles and merchandize brought to the said markets by the slaves, and to encourage them to occupy themselves during the hours left at their disposal in the different kinds of handiwork and industry which may contribute to the improvement of their condition, there will be established in the town of Port Louis, as soon as the same can be conveniently done, and at the shortest possible distance from the market-place or bazar, a warehouse or store, where such articles not sold or delivered during the market hours shall be received, stored and preserved, and where they shall be subsequently sold according to the price put upon them by the parties to whom they may severally belong. For the greater advantage of the slaves, there shall be established in the town of Port Louis, and as soon as practicable, a store-house or deposit for the reception of such goods as may remain unsold during the market hours on Saturday.

5. It is to be understood that the law which forbids the master to employ his slaves in Sunday labour, does not interdict the latter from occupying and employing themselves as artizans, gardeners, workmen in the sugar works, or otherwise, for their own private advantage, and the benefit of their families. This dispensation or privilege does not, however, authorize them to employ themselves even voluntarily, and by choice, in dragging or driving any kind of stone or timber, or other carts or waggons, or to engage in any work or labour attended with noise, or the assemblage of numbers, either in the towns or suburbs. Slaves to be allowed to engage on Sunday on their own account, in any work that does not occasion noise or assemblage of numbers in the towns or suburbs.

6. And whereas it is provided by the 20th Article of His Majesty's Order in Council, that nothing therein contained shall prevent the employment of slaves on Sunday in any work of urgent necessity. It is hereby declared that the cases of necessity meant and provided for by the 20th Article of His Majesty's Order aforesaid cannot be understood to apply to any other than works of agriculture, fabrication, manufacture or casualty, where the necessity is urgent, and where it is evident that such works cannot be delayed nor postponed without great and irreparable loss to the proprietor; or in cases in which public works are concerned, when of a nature not to admit of their being delayed or deferred without real and imminent danger or serious inconvenience to the community at large. Slaves may be employed on Sunday in works of necessity.

The works of necessity which slaves may be ordered to perform on Sunday, and the performance of which they cannot refuse, are the following, to wit, cases of fire, sudden inundations, hurricanes, interments, attendance on the sick and wounded, the conveyance of the sick to hospitals by order of any medical officer, the carrying away and burying the bodies of animals liable to putrefaction, all necessary assistance for repelling robbers or marroons attacking their master's property, the watching of standing crops or newly-planted fields, and protecting the same from thefts, robberies, or other injuries whatsoever. Works of necessity detailed and specified.

And whereas there are other works of less imperious necessity, but which could not however be neglected without causing considerable and perhaps irretrievable loss Works of less imperious necessity,

MAURITIUS.

which slaves may be ordered to perform, and be employed in on Sundays by and for their masters, provided they be remunerated.

Other works in which slaves might be employed on Sundays.

Conditions on which to be employed.

The execution of the present Article entrusted to the superintendence of the Civil Commissaries and Assistant Protectors of Slaves.

Hour for calling the roll in the morning. If in any case of urgency called earlier, slaves to be remunerated.

The present Proclamation shall be published and registered, and put into execution in 14 days from the date of the publication thereof.

loss to the master, it shall be lawful to order the performing of such works by slaves on Sunday, but on the condition only that the master shall remunerate them by such pecuniary allowance as may from time to time and according to circumstances be fixed upon and determined by the Protector of Slaves. These last works are as follows; to wit, the cutting down of manioc or such crops as require to be protected from a hurricane or storm, or other accidents from which their destruction might ensue, and the necessary assistance for exposing to dry or the bringing in and placing under shelter any quantity of sugars, of which the drying and whitening may have been prevented by a continuation of bad weather.

7. In addition to the works of necessity above-mentioned in which slaves may be employed on Sundays, are included the watering of kitchen-gardens and the furnishing of supplies for infirmaries, provided always that such works are performed before eight o'clock in the morning.

And it is hereby expressly declared, that the 19th Article of His Majesty's Order in Council of the 2d February last, by which the care and tending of cattle is allowed on Sundays, shall be understood to extend only to the supplying them with proper food and litter, driving them to graze or to water, or taking care of such as are sick, in the same manner as such work is daily and ordinarily performed, and cannot be construed to extend to the cleaning of cow-houses, cattle-pens or stalls after eight o'clock in the morning.

The Civil Commissaries and Assistant Protectors of Slaves in the several districts shall use their utmost diligence to see that the indulgences above granted be not made use of by any one (on the plea of ancient usages) as ground or pretext for exceeding the limits herein prescribed.

8. The morning call of slaves on the different plantations shall not *habitually* take place before gun-fire; and when in any case of urgency it may be required earlier, masters shall be bound to recompense their slaves for the loss of their natural hours of rest.

9. The present Proclamation, which, together with His Majesty's Order in Council, is to be in full force and effect 14 days after the publication thereof, shall be read, published and registered in the courts of this island, in conformity to the 82d Article of His Majesty's Order in Council of the 2d February last, and for which purpose a copy thereof shall be presented to his Honour the Chief Judge and Commissary of Justice.

(signed) *Ch^e Colville.*

Government-House, Port Louis, Mauritius,
22d September 1830.

By order,

(signed) *G. A. Barry,*
Chief Sec^y to Gov^t.

(A true copy)
Q. E. S. Viret, Private Sec^y.

PROCLAMATION.

Au Nom de Sa Majesté George IV., Roi du Royaume Uni de la Grande Bretagne et d'Irlande, &c. &c. &c.

Son Excellence le Lieutenant-Général, l'Honorable Sir Charles Colville, Chevalier Grand-Croix du Très Honorable Ordre Militaire du Bain, et de l'Ordre Royal Guelphique de Hanôvre, Gouverneur et Commandant en Chef de l' Ile Maurice et Dépendances, Capitaine-Général, Vice-Amiral et Commandant des Forces de Sa Majesté dans la dite île.

Titre.

Ayant pour objet de faire à certaine partie de l'Ordre de Sa Majesté en Conseil du 2 Février 1830 quelques additions et modifications, ainsi qu'il est prévu par le dit Ordre en Conseil ;—

Préambule.

En conséquence et en vertu des provisions de l'Ordre de Sa Majesté en Conseil du dit jour 2 Février 1830, portant que le Gouverneur, dans chacune des dites colonies respectivement, est autorisé à publier des Proclamations à l'effet de désigner et fixer telles matières ou choses qui ne seraient pas suffisamment établies par le susdit Ordre ; après avoir recueilli sur le sujet toutes les informations et renseignements

renseignemens qui ont pu l'éclairer et le diriger dans l'exercice des pouvoirs qui lui sont attribués, et après s'être appliqué à reconnaître ce qui, dans l'exécution des dits pouvoirs, pourrait le mieux se concilier avec les usages et les convenances locales, et en particulier avec la meilleure condition des esclaves en cette partie;—

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A ordonné et ordonne :

1. Interprétant aux termes des pouvoirs qui lui ont été conférés, les Articles 12, 13, 14, et expliquant l'Article 15 de l'Ordre en Conseil du 2 Février 1830, la vente dans les échoppes du bazar ne sera pas interdite, le Dimanche, des choses nécessaires à la vie, et dont, dans les climats situés entre les Tropiques, la vente comme la consommation doivent être journalières, telles que la viande fraîche, le poisson, les volailles et le gibier, le lait, le beurre, les œufs, les fruits et les légumes en général.

Articles dont la vente n'est pas interdite le Dimanche dans les échoppes du bazar.

Les échoppes seront ouvertes depuis le commencement du jour ou le coup de canon de la Diane, jusqu'à huit heures en été, c'est-à-dire, de l'équinoxe de Septembre à l'équinoxe de Mars, et jusqu'à neuf heures en hiver, c'est-à-dire, de l'équinoxe de Mars à l'équinoxe de Septembre, heures où commence le service de l'église ou la messe paroissiale.

Heures pendant lesquelles la vente et le débit sont permis au lieu du bazar le Dimanche.

On observera qu'aucun des articles ci-dessus, (à l'exception du lait, qui souvent est employé et nécessaire comme médicament,) dont la vente aux échoppes est permise le Dimanche, non plus qu'aucuns animaux vivants destinés à la subsistance de l'homme, tels que bœufs, veaux, moutons et cochons, qu'aucune sorte de provision, meubles ou autres productions manufacturées, de quelque genre que ce soit, ne pourront être admises le Dimanche à l'entrée de la ville du Port Louis, qu'elles soient chargées sur des voitures ou des bêtes de charge, ou transportés par des hommes libres ou esclaves.

Les articles dont le débit et la vente sont permis au lieu du bazar le Dimanche, (le lait excepté.) Les animaux vivants destinés à la nourriture de l'homme aucune sorte de denrées ou provisions, meubles ou produits des les faubourgs compris.

manufactures, ne pourront être introduits le Dimanche dans la ville du Port Louis,

La disposition du présent Article s'étend et s'applique aux marchés ou bazar qui jusqu'à ce jour ont été tenus habituellement, soit au lieu de Mahébourg, soit au lieu dit le Poste de Flacq, soit dans la Plaine de l'Eglise des Pamplemousses, en ce qui

tuellement dans certains quartiers et dans certains lieux des dits quartiers.

2. Dans le cas d'infraction à ce qui est énoncé en l'Article précédent, la peine prononcée suivant les Articles 13 et 14 du dit Ordre en Conseil sera encourue et devra être appliquée.

La peine prescrite par les Articles 13 et 14, de l'Ordre en Conseil du deux Février 1830, s'applique aux infractions commises contre l'article précédent.

3. Les cantines dans la ville du Port-Louis, ses faubourgs et la banlieue, et dans tous les lieux quelconques de la colonie où il existerait des cantines autorisées ou privilégiées, seront fermées depuis le Samedi au soir, à l'heure ordinaire, jusqu'à deux heures de l'après-midi du Dimanche. Elles pourront être ouvertes de cette heure jusqu'au coucher du soleil.

Les cantines dans la ville du Port-Louis et dans tous autres lieux où il existe des cantines autorisées ou privilégiées sont fermées depuis le Samedi au soir jusqu'à 2 heures de l'après-midi du Dimanche.

Dans tous les cas d'infraction à la défense ci-dessus, soit en vendant, soit en distribuant ou fournissant, avant l'heure ci-dessus, soit dans une cantine, soit d'une cantine, aucune sorte de liqueurs spiritueuses, le propriétaire de la cantine où les liqueurs auront été distribuées, délivrées ou vendues, sera poursuivi comme contrevenant et puni comme infracteur à la loi qui prohibe les ventes, les jours de Dimanche, par l'amende et la confiscation des liqueurs.

Les infractions au présent Article seront poursuivies et punies comme celles commises à la loi qui prohibe les ventes les jours de Dimanche par l'amende et la confiscation.

4. En conformité de ce qui est ordonné par l'Article 16 de l'Ordre de Sa Majesté en Conseil, du 2 Février 1830, et pour suppléer au marché général qui s'est tenu jusqu'ici le Dimanche, dans la ville du Port-Louis, et où les noirs esclaves qui avaient à vendre des denrées, grains, légumes et autres objets ou marchandises produits de leur travail ou de leur industrie, il sera ouvert le Samedi, depuis l'heure de midi jusqu'au coucher du soleil, et tenu dans la ville du Port-Louis, et dans les districts, aux lieux accoutumés, un marché public ou bazar auquel les maîtres pourront envoyer et sont invités d'envoyer ceux de leurs noirs qui auront à vendre, soit pour le compte de leurs maîtres, soit pour leur propre compte, des denrées, meubles, animaux et tous objets de la nature de ceux indiqués ci-dessus, et d'accorder particulièrement cette permission à ceux de leurs esclaves qui, par leur bonne conduite, leur assiduité au travail et pour le meilleur entretien de leur famille, auront mérité l'indulgence et la bienveillance de leur maître.

Dans la ville du Port-Louis et dans les districts, aux lieux accoutumés, il sera ouvert un bazar ou marché public le Samedi de chaque semaine depuis l'heure de midi jusqu'au coucher du soleil du même jour, où les maîtres sont invités à envoyer ceux de leurs noirs esclaves qui auront des articles à vendre, soit pour leur propre compte, soit appartenant à leurs maîtres.

Les noirs esclaves ne seront point admis au dit marché, ni à vendre les objets et articles qu'ils auront à exposer en vente, s'ils ne sont porteurs d'un billet de passe

Les noirs esclaves en ce cas seront porteurs de

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d'un billet de passe ou permission des maîtres ou régisseurs. Ils quitteront le lieu du bazar aussitôt après le coucher du soleil, et ne pourront rester dans la ville ou dans le lieu des autres marchés sans une permission particulière exprimée dans le billet de passe.

Pour l'encouragement des noirs esclaves il sera, aussitôt que la chose pourra être convenablement exécutée, établi un lieu de dépôt dans la ville du Port-Louis où seront reçus et entreposés les articles qui n'auront pu être vendus et livrés pendant les heures du marché du Samedi.

La défense de travailler le Dimanche n'interdit pas aux noirs esclaves la faculté de s'occuper et de s'employer eux-mêmes pour leur profit personnel et pour le bien de leur famille. Sortes de travail et d'occupations auxquelles la faculté ci-dessus ne peut s'étendre, et qui en sont exclus.

Les esclaves peuvent être employés, les jours de Dimanche, à des travaux de nécessité.

Quels sont les travaux de nécessité.

Où les travaux de nécessité sont détaillés et spécifiés.

Travaux dont la nécessité n'est pas aussi impérieuse ; et pour lesquels les esclaves peuvent être commandés et employés les jours de Dimanche, par et pour leurs maîtres, et moyennant salaire.

En outre des travaux de nécessité mentionnés ci-dessus, il y a d'autres sortes de travaux auxquels les esclaves peuvent être employés les jours de Dimanche.

de leurs maîtres ou régisseurs. Ils seront tenus de se retirer du lieu du marché aussitôt après le coucher du soleil et ne pourront rester dans la ville ou dans les autres quartiers, dans le lieu où est situé le marché, si la permission n'en a été exprimée dans le billet du maître ou régisseur.

Ils quitteront le lieu du bazar aussitôt après le coucher du soleil, et ne pourront rester dans la ville ou dans le lieu des autres marchés sans une permission particulière exprimée dans le billet de passe.

Et pour favoriser, autant qu'il est possible, la vente des dits articles et objets apportés aux dits marchés par les noirs esclaves, et les encourager à se livrer aux heures qui sont laissées à leur disposition et loisir, aux divers genres de travail et d'industrie qui peuvent contribuer à l'amélioration de leur condition, il sera, aussitôt qu'il pourra être convenablement pourvu à une telle mesure, établi un lieu de dépôt, dans la ville du Port-Louis et proche du lieu du marché ou bazar autant qu'il sera possible, où seront reçus, conservés et entreposés les articles et objets qui n'auront pu être vendus et livrés pendant les heures du marché, et où ils pourront ensuite être vendus, suivant le prix qui aura été évalué par ceux auxquels appartiendront les dits objets et articles mis en vente.

5. Il est entendu que la défense de faire travailler les esclaves le jour du Dimanche, ne leur interdit pas et leur laisse au contraire la faculté de s'occuper et s'employer eux-mêmes comme artisans, jardiniers, ou ouvriers, dans les établissemens de sucrerie ou autrement pour leur profit personnel et pour le bénéfice de leur famille ; mais cette dispense ou faculté ne les autorise pas à s'employer même volontairement, et de leur gré, à traîner aucune sorte de charrois, à transporter des pierres ou des pièces de bois de construction, ou à d'autres travaux et ouvrages qui exigeraient un bruyant appareil et un nombreux assemblage d'hommes, tant dans les villes que dans les faubourgs.

6. Et attendu que par l'Article 20 de l'Ordre de Sa Majesté en Conseil, il est ordonné que le dit Article ne peut s'étendre jusqu'à empêcher et interdire que les esclaves ne soient employés le jour du Dimanche à des travaux et ouvrages qui seraient commandés par la nécessité ; il est établi par le présent que les cas de nécessité mentionnés et prévus en l'Article 20 du dit Ordre en Conseil ne pourront s'entendre que de ceux où la nécessité est évidemment telle, que les travaux d'agriculture ou de fabrication ou manufacture auxquels les esclaves seraient alors employés, ne pourraient être négligés ni retardés, sans causer un tort grave et irréparable au propriétaire, et que s'il s'agit de travaux publics, ils fussent de telle nature qu'ils ne pussent être omis ou différés sans un danger réel et imminent, ou sans de très-graves inconvéniens pour le public.

Les travaux de nécessité pour lesquels les noirs esclaves pourront être commandés le Dimanche, et auxquels ils ne pourront se refuser, sont, pour les cas suivants : d'incendie, de débordement imprévu des eaux, d'ouragan, d'enterrement, de secours à donner aux malades ou blessés, de transport des malades à l'hôpital, sur l'ordre d'un officier de santé, d'enlèvement et enterrement des bêtes qui pourraient pourrir sur l'établissement, de toute assistance à fournir au maître pour repousser des attaques de voleurs ou marrons, contre sa propriété, de gardiennage des récoltes sur pied, ou plantations à l'effet de les préserver des vols ou autres atteintes qui pourraient y être portées.

Et attendu qu'il existe d'autres travaux de nécessité, lesquels, pour n'être pas aussi impérieux, ne sauraient cependant être négligés sans occasionner au maître une perte notable et peut-être irréparable en définitive, les noirs esclaves pourront être commandés le Dimanche pour les exécuter, mais à la charge par le maître, de leur donner un salaire qui, pour cet objet, sera de tems à autre et selon les circonstances, réglé par le Protecteur et Gardien des esclaves : ces derniers travaux seront pour les cas suivants : de conservations des récoltes qu'il importerait de préserver des effets d'un orage ou de tout autre accident qui serait de nature à les détruire ; et d'assistance à donner, pour exposer au soleil, ou d'un autre côté, pour rentrer (ou pour remettre à l'abri) des sucres qu'une continuation de mauvais tems aurait empêché de sécher et blanchir.

7. Dans les travaux de nécessité ci-dessus mentionnés, et auxquels les esclaves pourront être employés les Dimanches, sont en outre compris l'arrosage des jardins potagers et l'approvisionnement des infirmeries, à condition, néanmoins, que de semblables travaux seront toujours exécutés avant huit heures du matin.

Et

Et il est de plus expressément déclaré par le présent, que la clause de l'Article 14 de l'Ordre de Sa Majesté en Conseil du 2 Février dernier, qui autorisé le soin et la garde des troupeaux les Dimanches, ne pourra être entendue autrement que comme accordant la faculté de leur procurer la nourriture convenable et la litière nécessaire, de les conduire au pâturage et à l'abreuvoir, et de prendre soin de ceux qui sont malades, de la même manière que de semblables travaux ont ordinairement lieu pour soigner et nourrir les animaux tous les jours, et qu'elle ne s'étendra pas à permettre le nettoyage des parcs et étables, après huit heures du matin.

Les Commissaires Civils et Assistans Protecteurs, dans les quartiers ou districts, auront soin de veiller à ce que cette tolérance ne devienne pas, de la part de ceux des habitans qui voudraient s'appuyer des anciens usages, un motif pour excéder les bornes qui leur sont prescrites.

8. L'appel des noirs sur les habitations ne sera *habituellement* fait qu'après le coup de canon du matin ou la Diane; et quand pour raison de quelque ouvrage urgent, il sera fait plutôt, les maîtres seront tenus de récompenser les esclaves pour cette diminution de leur repos naturel.

L'appel était avant cette heure, les esclaves doivent être indemnisés.

9. La présente Proclamation qui devra, ainsi que l'Ordre de Sa Majesté en Conseil, avoir son plein effet quatorze jours après la publication, sera lue, publiée et enregistrée dans les tribunaux de cette colonie, en exécution de l'Article 82 de l'Ordre de Sa Majesté en Conseil du 2 Février dernier, et à cet effet copie en sera adressée à Son Honneur le Grand Juge et Commissaire de Justice.

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Conditions sous lesquelles les esclaves peuvent être employés aux travaux de cette seconde classe.

L'exécution de la présente clause confiée à la surveillance des Commissaires Civils et des Assistans Protecteurs.

L'appel des esclaves sur les habitations ne sera fait habituellement qu'après le coup de canon du matin. Si, en cas d'urgence, l'appel était avant cette heure, les esclaves doivent être indemnisés.

La présente Proclamation sera publiée et enregistrée, et aura sa pleine exécution après l'expiration de quatorze jours qui suivront la dite publication.

Hôtel du Gouvernement, Port Louis, Ile Maurice, le 22 Septembre 1830.

Chas Colville.

(Par ordre)

G. A. Barry,

Secrétaire en Chef du Gouvernement.

— No. 24. —

COPY of a DESPATCH from Viscount *Goderich* to Lieutenant General *Sir Charles Colville*, G. C. B. G. C. H. (1 Enclosure).

Sir,

Downing-street, 28th February 1831.

YOUR despatch dated the 12th of October 1829, No. 68, enclosing various Ordinances passed by yourself with the advice of the Council of Government of Mauritius, in the months of April, May, September and October of that year, appears to have been received at this department in duplicate a very considerable time after its date. I am given to understand that my predecessor in this office did not deem it expedient to make any immediate communication to you of His Majesty's decision upon those Ordinances until the measures for improving the condition of the slaves in the Mauritius, which were adopted by His Majesty's Government in February 1830, should have been made known in the Colony, and should have become familiar to the population at large. That motive for delay having now ceased to operate, it becomes my duty to make to you the following communication.

His Majesty has been pleased to disallow the Ordinance No. 51, respecting the employment of chains and fetters as instruments of domestic punishment. I cannot conceal from you the regret with which I have perused that Ordinance.

My predecessor in office, in his despatch of the 8th May 1829, conveyed to you in the strongest terms the expression of His Majesty's dissatisfaction at the enactment of the Ordinance of December 1826 on the same subject, and stated that His Majesty in Council had abstained from introducing measures for the total and immediate prohibition of the use of chains, collars, and similar instruments of punishment, by his own authority, in the full persuasion that the Council of Government of Mauritius would cordially co-operate with you in passing the necessary Ordinance for that purpose. Sir George Murray added that His Majesty would not interpose, unless the disappointment of this reasonable expectation should render such an exertion of his authority necessary.

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After such an intimation, it was scarcely to be expected that a second Ordinance should be transmitted for His Majesty's approbation, which authorizes the chaining together of women and boys of the age of 15, and the chaining boys apart from each other, whatever may be their age. The weight of the chains is indeed regulated, though the Protector, by a singular misconception of the nature and duties of his office, is authorized to augment it. No attempt is made to determine the form of these instruments, except that the collar should not have three branches ; but two branches are amply sufficient to inflict extreme distress on the wearer. No provision is made respecting the length of time for which these instruments are to be borne, nor respecting the crimes for which they are to be put on.

Having thus ineffectually endeavoured to induce the Council of Government of Mauritius to follow the example of the West India legislatures upon this subject, His Majesty's Government have had no alternative but that of advising The King to resort to that measure which Sir George Murray indicates in his despatch of the 8th of May 1829, as the consequence of their persevering refusal to pass the necessary Ordinance. Accordingly an Order was made by His Majesty in Council, on the 23d instant, prohibiting the use of chains and similar instruments of punishment in Mauritius, which Order I have the honour to enclose. You will cause due publicity to be given to this Order in Council in the usual manner.

It is not without serious concern that I address this communication to you. His Majesty's Government would have been happy to have been spared the necessity of any further interference with the relations of master and slave in Mauritius at the present moment ; but the paramount considerations of justice and sound policy which have dictated this Order in Council, have necessarily silenced all minor objections.

I cannot quit this subject without impressing upon you the indispensable obligation of withholding in future the sanction of your authority from measures directly opposed to those principles by which His Majesty's Councils have been invariably governed. By assenting to laws which His Majesty could not without manifest inconsistency sanction, the Governor of Mauritius cannot fail to impose on His Majesty an office the most invidious and irksome. It were far better to encounter at once whatever obloquy or discontent you might incur by a frank opposition to any such measures, than to subject yourself to the responsibility of adopting, and His Majesty to the painful duty of disallowing them.

His Majesty is graciously pleased to confirm and allow the other Ordinances enclosed in your Despatch of the 12th of October 1829, with the exception of the Ordinance numbered 53, which was superseded and repealed by the Order in Council of the 2d of February 1830.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) GODERICH.

(Enclosure.)

At the Court at Saint James's, the 22d February 1831 ;

Present, The King's most Excellent Majesty in Council.

WHEREAS on the 26th day of September 1829 an Ordinance was made by the Governor and Council of His Majesty's island of Mauritius and its Dependencies, No. 51, and intituled, " An Ordinance of his Excellency the Governor in Council, for repealing the Ordinance of his Excellency the Governor in Council, No. 20, of the 13th December 1826, and for the re-enactment of the provisions thereof, with such additions and amendments as have been thought desirable : " And whereas His Majesty is pleased, with the advice of his Privy Council, to disallow the said Ordinance, No. 51, it is therefore hereby ordered, that the said Ordinance shall be and the same is hereby disallowed ; and it is hereby further ordered, that the use of chains, fetters, rings and irons, and of all other instruments of the like nature, of whatever metal or material composed, shall be and is hereby declared to be unlawful and utterly prohibited, either in the punishment or correction, except as herein provided, of slaves within the said island and its dependencies, or for the detention of slaves in safe custody therein ; and if any person or persons shall hereafter use or employ,

employ, or authorize the use or employment of any chains, fetters, rings or irons, or other instrument of the like nature, of whatever metal or material composed, in the punishment or correction of any slave within the said island or its dependencies, except as hereinafter provided, or for the safe custody of any such slave; or shall, for any reason or under any pretext, place or cause to be placed any such chain, fetters, rings or irons, or other instrument of the like nature, of whatever metal or material composed, on the person of any slave, every person so offending shall, on conviction thereof, be subject to a fine of not less than 20*l.* and not more than 100*l.* sterling, or to imprisonment for not less than one calendar month nor more than six calendar months, or to both fine and imprisonment, within the limits aforesaid, at the discretion of the court before which such conviction may be had: Provided nevertheless, and it is further ordered, that nothing herein contained shall extend or be construed to extend to the case of any slave upon whom any such chains, fetters, rings or irons as aforesaid may be placed, under and in execution of the sentence of any court of criminal justice within the said island against a slave convicted of any offence, or for the safe custody of any such slave in any public gaol in the said colony, in any case wherein by the laws in force in the said colony the use of any such chains, fetters, rings or irons is permitted in any such public gaol for that purpose, with respect to prisoners not being slaves, nor to the case of any lunatic slave confined in any public hospital within the said island, upon whom it may be necessary to place any such chains, fetters, rings or irons as aforesaid for his or her security, or for the safety of any other person or persons.

And the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed)

C. Greville.

SLAVE POPULATION.

P A P E R S

Presented to Parliament, by His Majesty's Command,

In Explanation of the Measures adopted by His Majesty's Government for the Melioration of the Condition of the SLAVE POPULATION in His Majesty's Possessions in the *West Indies*, on the Continent of *South America*, at *The Cape of Good Hope*, and *The Mauritius*.

[In continuation of the Papers presented in the Year 1830, No. 676.]

1831.

Ordered, by The House of Commons, to be Printed,

10 March 1831.

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SLAVE LAWS, WEST INDIES.

RETURN to several Addresses to His MAJESTY, dated 24 & 25 March 1831 ;—*for*,

— 1. —

COPIES of the CORRESPONDENCE between the Secretary of State and the Agent for the Colonies of *St. Christopher* and *Dominica*, respecting the ABSTRACTS of SLAVE LAWS referred to in the Resolution of this House, dated on the 24th instant.

— 2. —

RETURN of ABSTRACT of SLAVE LAWS of *St. Vincent*, *Dominica*, *St. Christopher*, *Nevis*, *Tobago*, and the *Virgin Islands*, and of other Documents transmitted to the Secretary of State for the Colonies on 7th March 1831, under the following heads :

I.—ST. VINCENT.—

No. 1.—Showing the Abstracts of the Slave Law passed by the Legislature of *St. Vincent* previously to 1823.

No. 2.—The Provisions enacted in conformity with the Recommendations sent out by the Secretary of State in 1823.

No. 3.—Provisions enacted previously or in addition to those enacted in consequence of those Recommendations, and in force.

No. 4.—Remarks and Observations.

Documents annexed :

No. 5.—Copy of a Petition for Inquiry into the Condition of the Slaves, compared with that of the Poor Whites and Free People of Colour, dated 9 May 1826.

No. 6.—Copy of a Petition for Inquiry, dated 23 June 1828.

No. 7.—Ditto, dated 23 November 1830.

II.—DOMINICA.—Returns, Nos. 1, 2, 3 & 4, similar to those for *St. Vincent*.

III.—ST. CHRISTOPHER.—Returns, Nos. 1, 2, 3 & 4, similar to those for *St. Vincent*.

IV.—NEVIS.—Returns, Nos. 1, 2, 3 & 4, similar to those for *St. Vincent*.

V.—TOBAGO.—Returns, Nos. 1, 2, 3 & 4, similar to those for *St. Vincent*.

VI.—VIRGIN ISLANDS.—Returns, Nos. 1, 2, 3 & 4, similar to those for *St. Vincent* ; also,

REPORT of a Committee of the Legislature of *St. Vincent*, appointed to inquire into the Financial, Commercial and Political State of the Colony ; and of the Appendix, dated 27 October 1830, (Copy transmitted to the Colonial Secretary of State on 23 December 1830.)

Colonial Department, Downing-street, }
26th March 1831.

HOWICK.

Ordered, by the House of Commons, to be Printed,
28 March 1831.

ENCLOSURE REFERRED TO.

I.—ST. VINCENT.

No. 1.—ABSTRACT of Slave Law in force previously to 1823	- - -	p. 5
No. 2.—Provisions enacted in conformity with the Recommendations sent out by the Secretary of State	- - - - -	p. 6
No. 3.—Provisions enacted previously or in addition to these Recommendations, and in force	- - - - -	p. 8
No. 4.—Observations	- - - - -	p. 9
No. 5.—Copy of a Petition to Parliament, praying for Inquiry, dated 9 May 1826, (St. Vincent and Dominica)	- - - - -	p. 12
No. 6.—Ditto - ditto - 23 June 1828, (St. Vincent, Dominica, St. Christopher and Nevis)	- - - - -	p. 15
No. 7.—Ditto - ditto - 23 November 1830, (West India Planters, &c.)	- -	p. 16

II.—DOMINICA.

Nos. 1, 2, 3 & 4.—Statements similar to above	- - - - -	p. 17
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III.—ST. CHRISTOPHER.

Nos. 1, 2, 3 & 4.—Statements similar to above	- - - - -	p. 23
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IV.—NEVIS.

Nos. 1, 2, 3 & 4.—Statements similar to above	- - - - -	p. 29
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V.—TOBAGO.

Nos. 1, 2, 3 & 4.—Statements similar to above	- - - - -	p. 33
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VI.—VIRGIN ISLANDS.

Nos. 1, 2, 3 & 4.—Leeward Island Consolidated Act, passed in 1798, is the Slave Law in force in the Virgin Islands. It is also in force in St. Christopher, Nevis, Antigua and Montserrat	- - - - -	p. 37
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SLAVE LAWS, WEST INDIES.

No. 1.—COPIES of the CORRESPONDENCE between the Secretary of State and the Agent for the Colonies of *St. Christopher* and *Dominica*, respecting the ABSTRACTS of SLAVE LAWS referred to in the Resolution of this House, dated on the 24th instant.

LETTER from *James Colquhoun*, Esq. to Viscount *Goderich*,
&c. &c. &c.

MY LORD,

St. James's Place, 7 March 1831.

I HAVE the honor to enclose, for the purpose of being laid before Parliament, in conformity with the permission given by your Lordship at an interview granted to the Agents for the West India Legislative Colonies on the 1st instant, Copies of the Documents referred to in the Enclosure (*see opposite page*) herewith sent.

I have the honor to be, &c.

James Colquhoun.

LETTER from Lord *Howick* to *James Colquhoun*, Esq.
&c. &c. &c.

SIR,

Downing-street, 25 March 1831.

I AM directed by Lord *Goderich* to acknowledge the receipt of your Letter dated the 7th instant, inclosing various Documents "for the purpose of being laid before Parliament." His Lordship understands you to mean that some Member of Parliament will move in his place an Address to His Majesty for the production of the Documents in question; and I am to acquaint you that the Members of His Majesty's Government do not propose to offer any objection to any motion of that nature. Lord *Goderich*, indeed, is not aware that he could with propriety decline to receive this or any other communication which the Colonial Agents may think proper to address to him; and having received it, his Lordship has no motive for wishing to prevent its obtaining further publicity through any channel which the Authors of the Paper may think desirable.

It is necessary, however, for the prevention of any possible misconception, that I should distinctly apprise you, that Lord Goderich declines to express any opinion respecting the accuracy of the various Abstracts which you have thus transmitted. How far they faithfully represent the real effect of the Laws to which they refer, is a question upon which others must be left to form their own judgment, uninfluenced by any supposed authority of the Secretary of State.

Various observations are subjoined to the Abstracts in question, which partake very little of the character of those Documents, which it has been usual for the Executive Government to lay before the Two Houses of Parliament. In receiving them for that avowed purpose, Lord Goderich cannot too distinctly explain that they are invested with no official authority, but must be regarded only as expressing the opinions of the very respectable individuals from whom they proceed.

I have the honour to be, &c.

(signed) HOWICK.

P. S.—Since I received the directions of Lord Goderich to make the preceding communications to you, a copy has been received at this Department of a Resolution of The House of Commons, that an Address be presented to His Majesty for the production of the Papers in question. Lord Goderich was not previously aware that any Address of that nature had been moved.

I.—ST. VINCENT.

No. 1.—SLAVE MELIORATION LAW in force previously to the Resolutions of
The House of Commons in June 1823.

Religious Instruction.
Observance of Sunday.
Polygamy discouraged.
Marriage.

(Consolidated Act,
11th Sept. 1821.)

Food.
Clothing.
Lodging.
Labour and Holidays.
Rewards and Privileges.
Medical Treatment.
Manumissions.
Punishments.
Legal Protection.
General Regulations.

- s. 6. Slaves to be instructed in *Religion*.
s. 7. No Shop to be open on *Sunday*, and
no work done on *Sunday*.
s. 8. No Mill to be put round after
7 P. M. on *Saturday*, and 4 A. M.
on *Sunday*.

- s. 9. Half an hour allowed for *Breakfast*,
two hours for *Dinner*, and three
days at Christmas for *Holidays*.
s. 11. *Medical Attendance* compelled and
regulated; 50*l.* Penalty for neg-
lect.
s. 13. *Rewards* to Nurses and Mothers
for rearing Children: average
1,000*l.* per annum.
s. 14. Women having six children to be
employed in light work.
s. 15. No sum or security to be lodged
for *Manumissions*, except for bur-
thensome Slaves, for whom a sum
of 200*l.* or an annuity of 20*l.*
per annum shall be paid.
Punishments limited to ten
stripes by Overseer; thirty-nine
by Manager.
Barristers appointed to defend
Slaves arraigned on criminal
charges (20 March 1815.)
Confirms former Acts, making
Slaves real property.
s. 16. Detaining Free Persons as Slaves
—Fines. Murder of Slaves—
Death.
s. 19. *Collars and Chains* prohibited.
s. 20. 22. Regulate Duties of Magis-
trates, as a *Council of Protection*.

I.—ST. VINCENT—*continued.*

No. 2.—PROVISIONS, under Six different Heads, proposed in Lord Bathurst's

RELIGIOUS INSTRUCTION.	SLAVE EVIDENCE.	MARRIAGE.	MANUMISSIONS.
Sunday markets to be abolished, when religious instruction shall have been provided.	- To be received, if the Slave produce a certificate from the parochial clergyman or religious teacher, that he has been instructed in the Christian religion, so as to understand an oath. <i>Exception.</i> Where the life of a Master or white person is concerned.	- To be confined as much as possible to Slaves on plantations, and with consent of Master; to be registered in parish church; if refused by Master, the grounds to be stated to parochial clergyman. Mothers of a given number of children born in wedlock to be exempt from field labour.	- Taxes on Manumissions to be withdrawn. Bond to be given that the Slave shall not become chargeable, if under six, or above fifty years old, or labouring under sickness, disease, or infirmity. Mortgaged Slaves to be valued by appraisers and manumitted, and produce paid into Treasury. Manumissions to be registered.

ADDITIONAL PROVISIONS contained in Eight Bills sent out to

No Slave to be hired or employed, except for domestic purposes, on Sunday, under a penalty. No Slave to be employed against his will in field labour, and to be paid wages for it.	- Clergymen may solemnize marriage without consent of Master.	- Slaves, under certain restrictions, to be enabled, <i>invito domino</i> , to purchase their freedom, and that of their families and relations.
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ADDITIONAL PROVISIONS contained in Sir George Murray's Letter to

Slave should not be compelled to labour for his subsistence on Sunday to supply him the rest of the week.	4- Unlimited Slave evidence in civil and criminal cases.— In the notes on Bill, No. 2, transmitted on 10 May 1826, it is observed, that the evidence of six Slaves in Demerara (where Slave evidence has always been received as unfettered as that of free persons) to a punishment, is considered as equivalent to that of a free person. (See Order in Council, 2 Feb. 1830, s. 22.)		
s. 7. No shop or store shall be opened on Sunday, under penalty of £.10, except as in England, for perishable articles of food, out of church hours. s. 8. provides for the religious instruction and baptism of Slaves; and registry of baptisms; penalty £.10. s. 9. Sunday markets shall cease at 10 A. M., under forfeiture of goods, &c. s. 11. prohibits labour on Sundays, even during crop time, requiring that no sugar be boiled after 10 P. M. on Saturday, nor the mill put about, or any other kind of field or plantation work performed, between 7 P. M. on Saturday, and 4 A. M. on Monday. Penalty £.50.	s. 1. Slave evidence admitted, except against owners. (Act passed 9 Sept. 1830.) s. 2. No Slave shall be prevented by his owner from giving evidence when required, under penalty of £.50.	s. 10. Parish clergymen shall solemnize matrimony, without fee or reward, between such Slaves as, applying with their owners or manager's consent, appear to be sensible of the obligation of the marriage vow.	s. 18. Facilitates manumissions, and punishes the unlawfully detaining free persons as Slaves, by penalty of thrice the value of such person's services. Any owner or manager manumitting an aged or infirm Slave, to avoid maintaining him, shall forfeit £.200, from which £.20 shall be annually paid to the person manumitted for life. Manumission fee, £.4.
Upon which Bill the Secretary of State for the Colonies made the following observations, in a letter to the Governor of St. Vincent, dated 3d April 1847. (Vide Parliamentary Pap.) " His Majesty has observed, with satisfaction, the progress made by these enactments " in the measures to be taken for the improvement in the state of the Slave population. " Upon a review of the whole of this law, I am commanded by His Majesty to express his " satisfaction with the general disposition of the Council and Assembly to adopt the recommendations addressed to them on this important subject."			

1.—S. L. VINCENT—continued.

THE REPORT of the Council and Assembly dated 17th August 1820, concerning the Bill sent out by Lord Bathurst in 1820, states very clearly that the Bill was intended to be a permanent law, and that it was not to be subject to any alteration or amendment. The Bill was passed by the Council and Assembly on the 17th August 1820, and was then sent to the House of Commons for their consideration. The Bill was passed by the House of Commons on the 17th August 1820, and was then sent to the House of Lords for their consideration. The Bill was passed by the House of Lords on the 17th August 1820, and was then sent to the King for his signature. The King signed the Bill on the 17th August 1820, and it became law.

Provisions of the Bill.—The Bill contains provisions for the better regulation of the Slave Trade, and for the improvement of the condition of the Slaves. The provisions are as follows:—

Rewards and Privileges.—Food, Negro Days and Holidays.—Medical Treatment.—Sickness and Infirmary.—Labour and Meals.—Legal Protection.—General Regulations.—**Rewards and Privileges.**—s. 16, 17. Assign to Mothers, Midwives and Nurses certain premiums in money for properly rearing infants, amounting to 4,000*l.* per annum, deducted from taxes; and exempt Mothers of six children from all arduous labour, at the same time, secures to them an easy and comfortable maintenance, under 100*l.* penalty for each omission.

Food, Negro Days and Holidays.—All Plantation Slaves shall have assigned to them a portion of land fully adequate to their support, and shall be allowed twenty-six full working days in each year to cultivate the same; they shall likewise have for holidays, Good Friday, Christmas-day, and the two days following, 50*l.* penalty.

Medical Treatment.—s. 14. A qualified Medical Practitioner shall be employed to attend all Slaves who require medical or surgical aid, under penalty of 50*l.*, and shall keep a record of all patients and prescriptions.

Sickness and Infirmary.—Owners or Managers permitting sick or infirm Slaves to wander about, shall forfeit 5*l.* to 10*l.* for each offence.

Labour and Meals.—s. 12. Every Slave shall have half an hour for breakfast, and two hours for dinner; all manner of field labour before 5 A. M. or after sun set, except during crop, is prohibited, under 50*l.* penalty.

Legal Protection.—Slaves charged with grave offences shall be tried in all respects like Free Persons, with the exception of this, superior advantage, that Counsel shall be assigned such Slaves at the public expense.

Ws. 20. Murder of a Slave is felony, without benefit of clergy.

s. 26. If any Owner or Manager shall wantonly or cruelly whip, maltreat, beat, bruise, cut, wound or imprison, or confine without sufficient support, any Slave, he shall suffer fine of 150*l.* or twelve months' imprisonment, or both, for each offence, and the Court are empowered to declare the Slave absolutely free, assigning him an annuity of 15*l.* for life.

General Regulations.—s. 24. Prohibits the placing an iron collar round the neck, or chains on the body, of any Slave, unless by permission of a Magistrate, as an incorrigible runaway, under penalty of from 5*l.* to 50*l.* and Justice of Peace to remove such on information, under 100*l.* penalty.

s. 2. Declares Slaves to be real estate, and not chattels.

s. 80. Capital Punishments as in England.

The Bill was passed by the House of Commons on the 17th August 1820, and was then sent to the House of Lords for their consideration. The Bill was passed by the House of Lords on the 17th August 1820, and was then sent to the King for his signature. The King signed the Bill on the 17th August 1820, and it became law.

I.—ST. VINCENT--*continued.*

No. 4.—REMARKS on the annexed Acts of the Legislature, from Official Documents.

THE REPORT of the Council and Assembly, dated 17th August 1826, commenting on the eight Bills sent out by Lord BATHURST in 1826, states very forcibly the Reasons why they were uncalled for in that Colony, under their respective Heads: they are briefly as follows:—

Protector of Slaves.—The Attorney General, by law, is the Protector of Slaves, and the Magistrates are Assistant Protectors [see 25th and 26th clauses of Slave Act], they are as much bound by law to execute the duties of Protectors as if they legally and officially bore this title.

Slave Evidence.—The Slave Act of St. Vincent reflects less on the moral character of the Slave, and is more in consonance with the commentary of Sir G. Murray's Letter of 15th September 1828, than the Order in Council for the conquered Colonies, dated 2d February 1830, issued fifteen months after. The St. Vincent Act goes beyond the recommendation of Lord Bathurst of 9th July 1823, as it excludes evidence against the owner and his representatives, while Lord Bathurst's Letter extends the exclusion to white persons generally. But the Order in Council places the evidence of the Slave very low in the scale, for it estimates the evidence of a Freeman as equal to that of six Slaves; the fractional portion of belief due to a single slave in the Crown Colonies, is almost of no value or nugatory under this restriction, if the old Dutch law had not made it admissible as that of Free Persons. The recommendation, therefore, of Sir G. Murray (15th September 1830), to the Legislative Colonies, goes far beyond what has been lately enacted for the Crown Colonies, which, as they are to be the examples, is at variance with Mr. Canning's recommendations.

Compulsory Manumission.—The Legislature is quite willing to make this concession when Free Negro labour shall be proved to be equally advantageous as Slave labour. At present they see in it only a premium for indolence, and consequent retardment of civilization, morality and religion. The Report is very explicit on this subject.

Separation of Families by Judicial Sale.—There has not been a Marshal's Sale separating agricultural Slaves from the soil for many years. *In a small island* the members of a family are never separated more than in England, when seeking service or employment in the same parish. Once a month, or even once a week, they may exchange personal intercourse and kindred offices by journeying a few miles.

Marriage with or without consent of Master.—The feeble state of intellect and judgment of the Slave renders the interposition of the master as *pater familiæ* as useful in disposing of his Slaves as of his children under age in marriage. The interest and happiness of the Slave are the primary object of the master, and therefore no other authority can be so beneficially interposed at the present time. With the Negro's marriage is a mere church junction, unaccompanied by moral or religious ties.

Abolition of Sunday Markets—is conceived a vexatious breach of privilege by the Slaves in colonies where it is the law, and defeats the object in view. The Slaves do not go to church in such numbers as formerly in Trinidad, for example, since the inducement to go to market has ceased by its abolition; but by limiting the market to an hour before the church service, the Negroes accomplish both objects, and religion is promoted.—(See Bishop of London's pamphlet.)

Punishing of Females by Whipping.—A tread-mill has been substituted for the punishment of Female Slaves (in lieu of whipping, seldom practised), and has proved beneficial. The Committee forcibly observe,—“That one of the objections to these Bills is, the relentless rigor exercised towards the master—the everlasting infamy and ruin made to attach to offences of a very venal nature, the vexations and perplexing character of the clauses, showing that an unworthy and unfounded prejudice is operating against the proprietor where his character and interests ought to be better understood and appreciated.” This Colony has contributed £.5,000. sterling for building a church at Kingstown, has endowed the parish churches, with stipends to the clergymen, to the extent of £.2,500. currency per annum. The Colony has not discouraged sectarians while they confined themselves

themselves to religious duties, although it is scarcely a questionable policy and duty to do all that is possible to attach the Slaves to episcopacy, that the master and Slave may belong to the same church, and thus prevent the seeds of polemical controversy being sown, the fruits of which may be wars in aftertimes, combining perhaps religious fanaticism with African ferocity. Schools are established, and education is making progress, among all classes, under the protection of The Negro Conversion Society. The Planters of St. Vincent resident in England petitioned the Parliament in 1826 and 1828 for inquiry into the condition of the Slaves; their Petitions were not entertained. Was it because their opponents knew they could prove nothing in support of their assertions? that the theory of the abolitionists could not withstand the facts of the planters, and the evidence of disinterested persons?

The Legislative Committee observe, in a Report, dated 27th October 1830, that the Colonists are assailed by a "furious political party, bent on their destruction; that the Government hitherto have not given that countenance and support to them which their distant and disjointed situation, their want of political influence to explain their case, their contributions to the taxes (greater in proportion, and collected with less expense, than those paid by any class of His Majesty's subjects), imperatively require; and that unless a speedy remedy be found for these evils, the trade of the West Indies will be annihilated, and their ruin completed."

GENERAL OBSERVATIONS;

It can be proved, from the best authorities, that the Slaves are well housed, fed, clothed and attended in sickness; that their condition is superior to that of many of the agricultural and manufacturing classes here or in Ireland, and their labour less; they are contented and happy: why are they so? simply because they are well treated, their wants supplied, their property and rights respected and protected. If they refuse or neglect to work, or commit offences against each other, they know they will be punished, as society requires they should be: their hours of labour, and negro-days are regulated by law; their complaints are attended to by the proper authorities. There are, however, exceptions in all communities! whenever they have been discontented or rebellious, the excitement has been traced to the intemperate zeal of persons in this country.

The Legislative Colonies have been repeatedly told by His Majesty's Minister, from Mr. Canning to the Duke of Wellington (19th July 1830), that the new measures introduced into the Crown Colonies would be first tried there, before it could be expected they should be adopted in the Legislative Colonies. It is necessary to observe, that these measures were introduced into the Crown Colonies in February 1830, and that it would be breaking faith with the Legislative Colonies, to urge the adoption of them until some years shall have elapsed, and then only when it shall have been proved that these measures have been beneficial to the Slave, and not injurious to the master, according to the tenor of the Resolutions of 1823.

On the 23d November 1830, the Planters, Merchants and others resident in London petitioned Parliament for inquiry into the condition of their Slaves. The prayer of the Petition is as follows:—"That, for the satisfaction of the country, Your Honourable House will be pleased to institute an inquiry into the condition of the Negroes, and into the state of Slavery as it now exists in the West Indies, which inquiry Your Petitioners feel assured will relieve both their fellow-colonists and themselves from the obloquy under which they now labour."

Note.—In this country the great desideratum now is to give the labourer a provision ground similar to that enjoyed by the West India Slave, to emancipate him and his family from the poor-rates. The infant schools here, with an old woman to take care of the children while their mothers are at work in the fields, are but imitations of the like establishments in the Slave Colonies, where the Slaves in many cases keep cows and even horses on their masters' estates, can afford to drink wine, and even to lend their masters' money, to give balls and masquerades, and enjoy themselves far beyond the lower classes here, as has been proved by unquestionable authority.—*Barclay's Jamaica.*

(See annexed Extract from Evidence on oath laid before Parliament, 1827, p. 111)

EXTRACT from Examination on oath.—Parliamentary Paper, 1827.
No. 479.

“ THE Negro balls take place by permission of the master, and the driver or headsmen attends to keep order.—How often do they occur on your estate? Once or twice a month; but when not on my estate, on that of one of my neighbour's; so that every Saturday night there is a Negro dance.—Are they not frequently too much fatigued, from the labour of the week, to be able to dance on Saturday night? Never; but I have frequently known them to be too much fatigued on Sunday morning to go into their grounds.—In what style are these entertainments generally given? In a general way; they dress in their best clothes, dance both Creole and African dances, drink lemonade, and rum and water; but on particular occasions they have subscription balls, or what they call bouquet balls, so named from the king and queen of the night wearing a nosegay, which they present when leaving the table to two others, who preside at the next entertainment in the same capacity; on which occasion each person pays on entering two or four bits (10*d.* to 20*d.*) sterling, for the general expenses. On these occasions they have roast pigs, roast fowls and capons, sometimes hams, a great variety of cakes and fruit, rum and claret, coffee and chocolate, sugar and syrup, as much as they can eat and drink. These entertainments begin with a dinner, and last until day-break the next morning, being from twelve to eighteen hours, during which time some of the Negresses will go to the expense of changing their dresses two or three times; they wear muslin gowns, India smonckers, Madras handkerchiefs, ear-rings and necklaces in profusion, and many dress in shoes and stockings.—Do not the regulations restrict dancing beyond nine o'clock at night? They do; but on common occasions you cannot restrict them to that hour, unless you leave your bed yourself; and on the particular occasions I allude to, they would be so discontented if not permitted to follow their usual custom, that no master would venture to prevent it.” It is an axiom in the Colonies, that a discontented is always a disorganized and unproductive gang.

The Slave cards of invitation are folded in various forms, and often tastefully embossed and ornamented. These parties are common from Jamaica to Demerary, and prove how absurd and mischievously untrue is the assertion that these people consist of 800,000 human beings, driven like cattle, under-fed and over-worked, and in the most degraded state of misery. The Colonists only desire to be permitted to prove the truth of the case, and that the Slaves are as happy a population as exist in any part of the world. In thus petitioning The House of Commons, the Planters here do not mean to moot any constitutional question of right in Parliament (in which the Colonists are not represented having Island Legislatures) to interpose, but merely as a channel through which His Majesty may obtain the means of undeceiving the people here, and doing justice to the Colonists.

The Bishop of London, in a Pamphlet on the Observance of Sunday, published in 1830, remarks,—“ The first offence against public decency which I shall notice, is the traffic which is carried on during the greater part of the day in all the different articles of food. In spite of prohibitions which are almost forgotten, and of penalties which are now oftentimes too trivial to be worth enforcing, the markets are full of buyers and sellers; a few shops are partially closed in some of those places of resort, but in Clare-market there is not the least show of respecting the day. An unusual degree of activity seems to prevail in the public streets; also nearly every shop which is occupied by a butcher, a baker, a cook, a confectioner, a green-grocer, is open during the whole morning of the Sunday, and many of them throughout the day, and all this in defiance of the laws, which either prohibit or restrict the carrying on of trades or callings during the Lord's Day. But the irregularities of this kind which occur within the limits of London and Westminster are trivial, compared with the shocking profanation of the Sabbath which goes on in the populous suburbs of the metropolis. The vast parishes to the east and north-west of London in particular, where there is but a scanty provision for the religious instruction of the people, where there are few persons of property resident, and where the parish officers are quite unequal to the superintendence of their respective districts, present the most frightful scenes of depravity and ungodliness upon the day which the Lord calls his own. In the neighbourhood of the New Cut, on the Surrey side of the Thames, the

301. “ sale

“ sale of provisions on Sunday is one of many open violations of decency which
 “ have called forth from several respectable inhabitants an earnest representation
 “ to the Secretary of State of the evil which results from the want of power in the
 “ Magistrates. A gentleman who had personally inspected various streets and
 “ public avenues to the north-west of the metropolis, counted no less than
 “ 473 shops of various trades open for business on the Lord's Day, besides stalls
 “ for fruit and other articles of consumption, and this in the chief city of a Chris-
 “ tian nation, the Legislature of which has solemnly declared, ‘ that the keeping
 “ holy of the Lord's Day is a principal part of the true service of God,’ and that
 “ ‘ no tradesman, artificer, workman, labourer, or any other person whatsoever,
 “ shall do or exercise any worldly labour, business or work of their ordinary
 “ callings on the Lord's Day, or on any part thereof, works of necessity and
 “ charity only excepted.’ To this I may add, that on the Paddington Canal
 “ business is carried on at the wharfs, and the boats are loaded and unloaded
 “ upon the Sunday as upon the other days of the week, and the excuse alleged by
 “ the masters is, ‘ that their workmen are thus kept out of mischief.’” This
 quotation is inserted here to show how difficult it is in a more civilized population
 to enforce the religious observance of Sunday. In a country where Slavery has
 ceased to exist for several centuries, the law (and practice) of punishing women
 by public whipping was abolished only a few years ago. The Colonists should
 not be blamed for delay in the backward state of civilization of their popula-
 tion, and some time should be allowed for a moral position (in the language of
 Lord Dudley) to find its way across the Atlantic. The Colonists have trodden fast
 on the Legislature of the Mother Country ; they have passed in most of the Colonies
 Catholic Emancipation Bills; and in others the Free-coloured population have
 been put on the footing of the Whites. These observations might be prolonged to a
 volume, by inserting a detailed comparative statement from authentic documents,
 showing the distressed condition of the English poor, receiving about seven mil-
 lions sterling from the poor-rates to assist in supporting them ; or of the Irish poor
 dying from starvation, and to contrast their state with that of the mass of the Slaves
 in the Colonies ; but the fear of making longer a paper already too long, and not
 the absence of proofs, is the apology. It is impossible to omit stating the fact, that
 the total admissions into the shelter for the houseless in London were 18,965, and
 the rations issued 49,405, a distress unknown to Slaves, who often support the poor
 Whites, and poor Free People of Colour.

I.—ST. VINCENT—*continued.*

No. 5.—COPY of a PETITION for inquiring into the Condition of the SLAVES,
 compared with that of the poor Whites and Free People of Colour, dated
 9th May 1826.

To the Honourable The Commons of the United Kingdom of
Great Britain and Ireland.

The Petition of the undersigned Planters of the Colonies of
St. Vincent and Dominica, resident in Great Britain ;

Humbly Sheweth,—

THAT your Petitioners possess land, buildings, machinery and Slaves in His
 Majesty's Colonies of St. Vincent and Dominica :

THAT their lands were, in very many instances, *purchased by your Petitioners
 from the Crown* at various prices, according to their value, on the express con-
 dition of their being cultivated by Negro Slaves imported from Africa :

THAT these Slaves and their issue have been secured to your Petitioners, in
 their characters of owners thereof, as their hereditary property, by the British
 Laws :

THAT your Petitioners have ever evinced an unceasing regard to the wants,
 comforts and progressive improvement of their Slaves, proportioned always to
 the means of the masters ; that debts have been frequently incurred, to insure to
 them a continuance of these advantages, which they are prepared to prove at
 the Bar of Your Honourable House, or before any Commission which may be
 sent out to the West Indies, for the purpose of investigation into the actual
 condition

condition of the Slaves, or before any competent authority Your Honourable House may select for such object.

That there exists an unquestionable and earnest desire on the part of the Colonists further to improve and meliorate the condition of their Slaves, as they advance in civilization—to add to their temporal comforts—and to pursue such gradual measures as shall, by raising their moral character, encourage habits of steady industry, and, by regulating their religious feelings, fit them for the enjoyment of more extensive civil rights, is proved by the zealous co-operation of the Colonists in promoting the views of the Episcopal Establishment provided by His Majesty.

In further confirmation of this disposition Your Petitioners would appeal to the Legislative Acts lately passed in the Colonies, in which their estates are situated, for the melioration of the condition of the Slave population, in conformity with the Recommendations of His Majesty's Government.

Your Petitioners do not prefer any claim to merit or precedence on behalf of the Legislatures of these Islands, for enacting the existing customs and usages into law; the Legislature of each Colony, in the exercise of a heavy responsibility, being, in their opinion, solely competent to decide on what is safe and practicable, according to the circumstances of the Negro population therein.

Your Petitioners are fully convinced that it may happen hereafter, as it has happened before, that a difference in opinion may prevail here and in the West Indies, as to the moment when it may be politic or safe to enact, by legislative authority, in the Colonies, all the usages and customs by which the Slaves are generally protected at present (as persons and property are by the operation of the common law in this country, where it has not been deemed necessary, for ages, to convert such common law into statute law); and because in the opinion of Your Petitioners, the effect of any further general or sudden change in the local administration of these Colonies, would, by inducing the Slaves to look to a new authority in all cases, thereby loosen the existing patriarchal bond of union between Master and Slave, of protection and allegiance; and by transferring the power in so great a degree to the Legal Authorities, would dissolve various reciprocal kindly feelings, which now can be proved to exist in that probationary state of society, by which labour is enforced with more effect and less severity, than mere legal enactments could accomplish, as long as the population bears so small a proportion to the wealth which the Colonies are capable of affording, when labour is steadily and properly applied; and because any further sudden or general innovation in the present system, might, by creating a misconception in the minds of the Slaves, lead, as similar misconceptions have done before, to acts of rebellion and outrage, to the entire destruction of property, and even to the extermination of the White people from the Colonies, where their numerical strength is so inferior to that of the Slaves.

Your Petitioners conceive that the degree to which the public feeling has been excited and deluded on the subject of Slavery; as shown by the mode in which calls have been made on Your Honourable House for its early extinction, has arisen mainly from a misconception as to the actual condition of the Slaves in the British Colonies, and the principles which influence labour in the Torrid Zone—in consequence of misrepresentations, widely and industriously disseminated in this country—from the want of authentic details, confirmed by the authority of Parliament, as to the progress made since the Abolition of the Slave Trade in civilization and habits of steady industry by the Slave population—from an ignorance or disbelief of the protection they enjoy de facto—from the operation of the present state of the relation of master and servant—of the property they do possess and may require—of the gradations in society on the Plantations—of the Police Regulations thereon, by which the punishments for offences committed on one another are inflicted—and from an ignorance or disbelief generally of the customary rights, privileges, advantages and comforts secured to the Slaves by the usage of the Islands; the people of England being led to believe, that the whole system of Slavery consists in driving 800,000 human beings like cattle to the field, and that they are worked and treated like them—which Your Petitioners are prepared to prove is not founded in fact.

Your Petitioners cannot conceal from themselves, and ought not to conceal from Your Honourable House, however unpopular the cultivation of sugar and some other articles requiring the combination of machinery and steady labour, by means of Slaves, may have become in these days, that a conviction exists in their minds, and in those of all practical men, that neither emancipated Slaves, nor any

any other persons, will labour steadily in sugar and certain other kinds of cultivation, unless subject to coercion, to be defined and regulated by Local Enactments, until density of population shall produce the same effects as coercion; for Your Petitioners are not aware of the population of any country in the lowlands of the Torrid Zone working with steady industry in agricultural pursuits, combined with the aid of much machinery, where the wants of a year may be supplied by the labour of a month or two; in other words, where the population does not press on the means of subsistence. Your Petitioners, therefore, apprehend, in the exemption of the Negroes from compulsory labour, the extinction of all their capital vested in lands, building and machinery, because they cannot derive any income therefrom, without the aid of that steady labour which men in the lowlands of the Torrid Zone have never given for wages in any age of the world, but under circumstances of greater density of population than exists with them; and they appeal to Your Honourable House as to what must be the condition of Your Petitioners, as *White* capitalists, whose property has been embarked in tropical cultivation, under the sanction and encouragement of British Laws, in a country where Your Petitioners themselves cannot labour personally in agriculture, as in Europe or in North America, and therefore must entirely depend on the steady exertions of Negroes, who are able to cultivate the soil under the peculiar circumstances of the Colonies; but who, when free, will not voluntarily work for such wages as Your Petitioners can afford to give, under the competition with the producers of Sugar by Slaves in South America and other Foreign Colonies, as well as the East Indies, where the institution of caste and density of population, as well as of Slavery, renders the rate of agricultural wages much lower than the expense incurred for feeding, clothing, and medical attendance on Negro Slaves in the West Indies.

Your Petitioners therefore humbly pray, That Your Honourable House will take into your consideration (previously to any further innovations on the lawful property of Your Petitioners, in deference to popular clamour, founded on a total ignorance of the truth, being sanctioned by Your Honourable House) such information as you may command, from authentic and impartial sources, collected on the spot by competent Commissioners, who have had experience in the control of labour, as to the actual condition of the Slave Population in the Colonies, in which their estates are situated; that such Commissioners be appointed to inquire into and report on the comparative productiveness of Slave and Free Labour, by Africans and their descendants generally, in the lowlands of the Torrid Zone; and particularly into the progress of civilization, and of cultivation of land by steady agricultural industry during the last twenty years in Sierra Leone, by the Nova Scotia and other Emancipated Negroes; the articles of agricultural produce raised by them, and exported to Great Britain during that period; and further, to ascertain the exportable products raised by the steady labour of Free American Negroes in Trinidad, and by the apprenticed Africans in Tortola and the other West India Colonies, in order that Your Honourable House may be possessed of sufficient facts and details on which to form a correct judgment as to the practical effect of free labour (as well as it regards the value of their property to Your Petitioners, as that of the British West Indies, commercially and politically considered, to Great Britain), when the Negro population shall have been relieved from coercion to insure the cultivation of the soil; and moreover, that Your Honourable House will be pleased to appoint a Committee of the same, to inquire into and report on the accuracy of the information so communicated; and finally, that, in the exercise of the wise and cautious deliberation which Your Honourable House always applies to every question affecting rights and property, the privileges of Colonial Legislatures, on which local knowledge and experience Your Petitioners have entire confidence for the protection and security of their property, may be preserved; and the provision be further made, that neither directly nor indirectly, the property which the Colonists hold under the sanction of law, may be invaded without full compensation.

I.—ST. VINCENT—*continued.*

No. 6.—COPY of a PETITION for Inquiry, dated 23d June 1830.

To the Honourable The Commons of the United Kingdom of *Great Britain and Ireland*, in Parliament assembled.

The Petition of the Planters, Merchants and others, in the City of *London*, connected with His Majesty's *West India* Colonies; of *St. Vincent, Dominica, St. Christopher, and Nevis*;

Humbly Sheweth,—

THAT Your Petitioners are proprietors of, or deeply interested in, Estates in His Majesty's West India Colonies, cultivated by Negro Slaves:

THAT Your Petitioners cannot allow that they are justly chargeable with any neglect of that attention to the wants and comforts of their Slaves to which they are called by the dictates of self-interest as well as humanity; nor yet with opposition to any prudent measures, having in view their religious, moral or physical improvement; in confirmation of which assertions, Your Petitioners appeal to the Acts passed by the Legislatures in the Colonies, in which their estates are situated, in conformity with the recommendations of His Majesty's Government:

THAT Your Petitioners have reason to complain of the manner in which the public feeling in this country has of late been excited and deluded on the subject of Slavery; that the actual condition of the Negro population has been grossly misrepresented; that the resident Proprietors, and those to whom Your Petitioners have entrusted the charge of their property, have been calumniated; and that Your Honourable House has been called upon to sanction measures tending, not only to the ruin of Your Petitioners, but to the ultimate loss of the West India Colonies to the British Empire:

THAT, under these circumstances, Your Petitioners are anxious to vindicate their own conduct, and maintain their own just rights before an impartial and competent tribunal, and, to the satisfaction of any such, they pledge themselves to prove the falsehood of the representations alluded to.

Your Petitioners therefore do humbly pray, That if the information officially communicated to His Majesty's Government by the Bishops, Governors, Naval and Military and Civil Officers in His Majesty's Service, and others, in addition to the statements on this subject laid before Parliament, showing the improvements which have been progressively introduced, the laws passed, and fairly executed, and the advantages secured to the Slave Population, should not be sufficient to satisfy His Majesty's Government as to the comforts enjoyed by this class of persons, Your Honourable House will be pleased to take into consideration such information as may be collected on the spot, by Commissioners impartially chosen by the Executive Government, and practically acquainted with tropical agriculture, and the control of agricultural labour in the Colonies, and sent to these Colonies, for the purpose of ascertaining the actual physical condition of the Negroes, compared with that of the poor Whites, and poor Free People of Colour, as well as the progress made in their moral and religious state; and that the said Commissioners be instructed to make up the Report respecting each Colony within the same, and to submit such Report to the Governor and Council thereof, for their perusal, and attestation that it has been so perused.

I.—ST. VINCENT—*continued.*

No. 7.—COPY of PETITION for INQUIRY, dated 27th November 1830.

To The Right Honourable the Lords Spiritual and Temporal, and The Honourable the Commons of the United Kingdom, in Parliament assembled.

The Humble Petition of the undersigned Planters, Merchants and others interested in the British West-India Colonies ;

Sheweth,—

THAT Your Petitioners and their ancestors acquired their property in the West India Colonies with the sanction and under the direct encouragement of the British Legislature, and Your Petitioners claim for it that protection which the British Constitution affords to the property of all other His Majesty's subjects :

THAT a combination of persons has been formed, the direct tendency of whose proceedings is the destruction of that property :

THAT for a series of years this Society of Persons has, in utter ignorance of the actual state and condition of Slavery in the West India Colonies, endeavoured, by misrepresentations, to prepare the minds of men for that violation of the rights of property which they are desirous of accomplishing, and they have succeeded in producing the greatest depreciation of its value ; not contented with resorting to the most unfounded calumnies against the Colonists, for the purpose of influencing the return of Members to Parliament, they have procured petitions to be addressed to Your Lordships, praying for the early and utter extinction of Slavery in the Colonies, and they have not scrupled to dictate and furnish the very form and substance of the Petition to be addressed :

THAT Your Petitioners are prepared to establish the falsehood of the representations which have been made to their prejudice, and to prove that they and their fellow Colonists are keenly alive to the amelioration of the Slave population, and have been and continue to be actively engaged in promoting it :

THAT Your Honourable House, by its Resolutions of 15th May 1823, and The House of Lords, by similar Resolutions of 7th May 1826, did expressly declare, That the period when a change was to be effected in the civil rights of the Slave population should be that which would be " compatible with the well-being of the " Slaves themselves, with the safety of the Colonies, and with a fair and equitable " consideration of the interests of private property ;" but the Petitioners before referred to, now ask Your Lordships to pass a law for the " early and utter extinction of Slavery," and deny to their fellow-subjects, whom they would thus deprive of their property, the full and complete indemnity and compensation, without which the law of the land will not allow the property of any man to be taken from him, whatever may be the purpose for which it is to be applied :

THAT Your Petitioners rely with confidence that Your Honourable House will, by denying the prayer of such Petitions, refuse to sanction so direct a violation of the first principles of justice, which, whilst it involves Your Petitioners and their fellow Colonists in utter ruin, would afford a precedent justifying the invasion of every other description of property :

Your Petitioners therefore humbly pray, That Your Lordships' House will refuse its sanction to any measure affecting the rights of Your Petitioners and their fellow Colonists in their Slaves, until the amount of that full and complete indemnity and compensation, to which Your Petitioners and fellow Colonists are entitled, has been ascertained, nor until an adequate fund has been provided and set apart, in order that the payment of the compensation and indemnity may be made contemporaneously with the adoption of any such measure.

And Your Petitioners further pray, That, for the satisfaction of the Country, Your Honourable House will be pleased to institute an Inquiry into the Condition of the Negroes, and into the State of Slavery, as it now exists in the West India Colonies, which Inquiry, Your Petitioners feel assured will relieve both their fellow Colonists and themselves from the obloquy under which they now labour.

II.—DOMINICA.

No. 1.—SLAVE MELIORATION LAW in force previously to the Resolutions of The House of Commons in June 1823.

Religious Instruction.

Observance of Sunday.

(Consolidated Acts,

22 April 1818,

5 August 1818,

2 June 1821.)

Food.

Clothing.

Lodging.

Labour and Holidays.

Punishments.

Legal Protection.

Slave Evidence.

s. 5. Not to labour on *Sunday*. No Shop to be open during Divine Service.

s. 9. *Religious Instruction* to be promoted. Curate appointed, at £.200 per annum, to attend to Religious Instruction of Negroes, baptize and marry them. Not to labour for Master on Sundays or Holidays.

s. 1-4. *Food, Clothing and Lodging* regulated—(£.50 penalty). Land to be allowed, and one day in the week to cultivate it. If clothed and fed, twenty-six days in the year, besides Holidays and Sundays, to be allowed.

s. 17. *Punishments* regulated; twenty stripes at one time for one offence by Manager, and five by Overseer in absence of Manager; and in no case more than thirty-nine—Penalty.

s. 10. Unserviceable Slaves to be provided for.

s. 12. Murder of Slave—Death.

s. 13. Punishment of persons maltreating Slaves.

s. 14. Slave Evidence admitted where Slaves have been baptized, in case of maltreatment, or depriving Slaves of their property. Contumacy of White Persons to be construed into guilt.

s. 16. Collars and chains prohibited.

II.—DOMINICA—*continued.*

No. 2.—PROVISIONS, under Six different Heads, proposed in Lord Bathurst's - - -

RELIGIOUS INSTRUCTION.	SLAVE EVIDENCE.	MARRIAGE.	MANUMISSIONS.
Sunday markets to be abolished when religious instruction shall have been provided.	-- To be received, if the Slave produce a certificate from the parochial clergyman or religious teacher, that he has been instructed in the Christian religion, so as to understand an oath. <i>Exception.</i> Where the life of a Master or white person is concerned.	-- To be confined as much as possible to Slaves on plantations, and with consent of Master; to be registered in parish church; if refused by Master, the grounds to be stated to parochial clergyman. Mothers of a given number of children born in wedlock to be exempt from field labour.	-- Taxes on manumissions to be withdrawn. Bond to be given that the Slave shall not become chargeable if below 6 or above 50 years old, or labouring under sickness, disease or infirmity. Mortgaged Slaves to be valued by appraisers, and manumitted, and produce paid into Treasury. Manumissions to be registered.

ADDITIONAL PROVISIONS contained in Eight Bills sent out to - - -

No Slave to be hired or employed, except for domestic purposes on Sunday, under a penalty. No Slave to be employed against his will in field labour, and to be paid wages for it.	- - - - -	-- Clergyman may solemnize marriage without consent of Master.	-- Slaves, under certain restrictions, to be enabled, <i>invito domino</i> , to purchase their freedom, and that of their families and relations.
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ADDITIONAL PROVISIONS contained in Sir Geo. Murray's Letter to - - -

Slave should not be compelled to labour for his subsistence on Sunday to supply himself the rest of the week.	-- Unlimited Slave evidence in civil and criminal cases.— In the Notes on Bill, No. 2, transmitted on the 10th May 1826, it is observed, that the evidence of six Slaves in Demerara (where Slave evidence has always been received as unfettered as that of free persons) to a punishment, is considered equivalent to that of one free person. (<i>See Order in Council</i> , 2 Feb. 1830, s. 22.)		
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s. 7. No market or shop shall be open during church service, under penalty of £. 10. s. 2. No Slave shall be put to any labour on Sunday, except domestic duties, or in case of accidents. s. 6. Slaves to be encouraged to receive baptism, and afforded every reasonable facility to attend divine worship; penalty £. 5.	-- Evidence of baptized Slaves understanding nature of an oath; to be examined separately, and two Slaves to agree in consistent testimony. (26 January 1826.)	- - - - -	- - - - -
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On 3d April 1827, Lord Bathurst makes the following remarks to Governor Nicolay respecting the above Bill:

" His Majesty is graciously pleased to acknowledge with commendation the disposition which the Legislature of Dominica have manifested in many of the provisions of these Acts to improve the condition of the Slave Population; and considering that they are framed in general in such a manner as to promote the well-being of that class of society, His Majesty has been pleased, with the advice of his Privy Council, to confirm them," &c.

Circular to Governors of Legislative Colonies, dated 9th July 1823.

SALES OF SLAVES.	PUNISHMENTS.	PROPERTY OF SLAVES.	PROTECTOR OF SLAVES.
-- Land, Slaves and plantation, plant or utensils to be sold in one lot; husbands and wives not to be separated, nor children under 14 from parents; and that they be sold to one proprietor, if the husband and wife belong to two separate parties.	-- The flogging of women to be abolished; prohibits the use of the whip in the field, and any domestic punishments until the day following the offence, and then to be performed in the presence of a free person. Punishments exceeding 3 lashes to be recorded, and record-book of offences and punishments sworn to quarterly. Traces of punishment not duly registered to be presumptive evidence of breach of law.		

Governors of Legislative Colonies, on the 11th of May 1826.

-- Slave families not to be separated under sales by judicial process.	-- Punishments of children under a certain age by whipping not prohibited; various punishments substituted for the flogging of women.	-- Securing to Slave whatever property he may acquire; and Savings' Banks to be established.	-- Office of Protector and Guardian of Slaves to be instituted.
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Governors of Legislative Colonies, dated 3d and 15th Sept. 1828.

-- s. 15. No Slave under 12 years of age shall be sold separate from its mother; and by an Act passed in 1829, it has been decreed that no Slaves shall in future be sold separate from the estates to which they belong.	-- s. 18. The whip, commonly called the cart-whip, shall never hereafter be employed, either as an instrument of punishment or emblem of authority; the only instrument of correction shall be the Cat used in the British Army. s. 33. Restricts punishments to 6 stripes by inferiors, 10 by an Overseer, 20 by Manager, and 30 by Owner under grave circumstances; prohibits the infliction until the effects of any former punishment be thoroughly cured; and permits no punishment to exceed 10 stripes at the time of the offence, or during that day; guards punishment of females against any indecent exposure; penalty, £. 5. to £. 30.	-- s. 13-16. Protects the property of Slaves by penalty of £. 20. on any person infringing it, or refusing to pay them any just debt. Right of action vested in Master.	

II.—DOMINICA—*continued.*

No. 3.—PROVISIONS of MELIORATION LAWS, either in force previously to the House of Commons' Resolutions in June 1823, and re-enacted, or enacted for the first time, in addition to the Recommendations of the Colonial Secretary of State

Food, Clothing, Lodging, Medical Treatment, Negro Days, Holidays, Labour and Meals.

s. 1. Every Owner or Manager shall provide for his Slaves a sufficient quantity of good and wholesome food, dry and comfortable lodging, suitable clothing, and medical aid, and comfortably maintain old, infirm, and diseased Slaves on his estate. The whole under penalty of £. 100. for each omission.

s. 2. Each Slave shall be allowed half an hour for breakfast; and out of crop, two hours for dinner; during crop, one hour and a half. No Slave shall be required to work before five A. M., nor after seven P. M., except during crop, and then not later than nine. Good Friday, Christmas day, and day following, and New Year's day shall be allowed as holidays; and if either of these fall on a Sunday, then the next Wednesday in lieu of it. Penalty, £. 50. for breach of any of these provisions.

s. 3. Where Owner allots provision ground instead of food, each Slave shall have half an acre, and be allowed one day in every week to cultivate it, except during crop, when the owner shall distribute food in lieu of such day. Still not less than twenty-six clear days in the year shall be allowed, under penalty of £. 10. for each omission. Every Owner required, under £. 50 penalty, annually to make oath, that he has strictly complied with all the provisions in Clauses 1, 2, and 3.

Legal Protection and General Regulations.

s. 10. Wilful murder of a Slave is capital without benefit of clergy, and manslaughter punishable as in England.

s. 11. Any person who shall mutilate, wantonly or cruelly whip, or cause to be whipped, beat, bruise, cut, wound, or imprison or confine without sufficient nourishment, any Slave, shall on conviction suffer fine of £. 200, or imprisonment for six months, or both, and the Slave be transferred to another Master.

s. 12. Any person wantonly beating or striking the Slave of another to forfeit £. 50.

s. 17. The trial of Slaves for capital offences shall be similar to that of free persons.

s. 34. Prohibits the use of collars and chains, except upon notorious runaways, when such may be applied, provided they in no case exceed four pounds in weight. Penalty £. 20.

II.—DOMINICA—*continued.*No. 4.—REMARKS on the annexed Acts of the Legislature,
from Official Papers.

THE Report of the Committee of the Legislature, in June 1823, goes much into detail as to the state of the population. In this Colony, an overwhelming majority is composed of Catholic Slaves belonging to French Planters. The Catholic priests confine their labours to religious duties, and enforcing obedience to those in authority over them. Cases of complaint against priests are attended to by their chief; or the priest, being an alien, usually, can be removed without difficulty. It would be extremely desirable that the whole population, Master and Slave, bond and free, for obvious reasons, should be of one church; this, however, is impracticable. Wesleyan Missionaries are permitted to visit estates where the Slaves are not Catholics; but the interests and safety of society require that any attempts at conversion by Missionary interference would be put down. A Branch Society of the Church Missionary Society has been established there, and has experienced the support of all respectable classes. The Negroes are yet incapable of appreciating the advantages of the married state, and if it were generally urged, would only extend the crime of adultery. The Report further details the contented condition of the Negroes, and the comforts they enjoy, freed from the possibility of feeling the pangs of poverty, (unless indeed they are made free,) inasmuch as misery in slave countries begins with the master, in free countries with the labourer, whom it can never reach till the master is ruined. Well, therefore, might Sir Robert Peel (20th February 1831) contend, "that the best way to secure the comfort and "happiness of the Slave, was to promote the prosperity of the Master, to enable "him to continue to the Slave the advantages he enjoys." If the Colonists have been tardy in converting their usages into laws, it is because they feel that a class of their countrymen at home have dealt dishonestly with them; they would not believe the evidence of impartial persons as to the conduct of the Planters; they found them guilty of cruelty, not only without a trial, but in the teeth of the testimony of many disinterested witnesses of the highest character. It is not meant to be denied that insulated cases of cruelty have occurred in the West Indies as well as elsewhere; and it may be fairly contended that, from the nature of a Slave Government, they are more likely to escape detection; but they are exceptions to the rule of treatment. It is admitted that the Executive here had a difficult task to perform to allay the fever of prejudice, and it is conscientiously believed they did what prudence suggested at the time to stem the torrent; their policy was to moderate the zeal of the Abolitionists, while they shielded the Colonists, by inducing them to yield something to popular clamour, and induce the sober-minded in the mother country to investigate the merits of the case. The Legislatures could not perhaps, without trifling with their privileges, petition for an inquiry, on the part of the British Parliament, into the condition of those whom it was their duty to protect; but the *Planters* of Dominica and St. Vincent, resident here, petitioned the Parliament in 1826 and 1828, urging an inquiry into the religious, moral and physical condition of the Slaves; and the Parliament having neglected to comply with their petition, not only absolves the Planters from responsibility, but, if it proves any thing, proves that Parliament was satisfied that no inquiry was necessary to establish the case of the Petitioners; or in case of doubt, they should in justice

have put it to the proof by granting the inquiry. These charges against the Colonists were mere general assertions and statements, which would have been disproved and dissipated before an impartial Committee or Commission of Inquiry. Both were therefore resisted by the Abolitionists. The Colonists only want the truth to prevail. However irksome the restrictions to which the Slave is exposed might be to the English labourer, the Slave, from habit, feels them not; his home, his property, whether in Slaves or of any other description, is sacred. His Master, *on oath*, finds medical advice and food in case of need, if the Slave's provision ground fail; and he has no cares for the morrow. In respect to punishments, they are inflicted as measures of police, as in every other country, whether because he refuses or neglects to work, or for offences. Even here, a father deserting his family, or refusing to work, is sent to the tread-mill; and whipping, it appears from the Parliamentary Returns, is no unusual punishment in the prisons here for juvenile or incorrigible offenders. Some Slaves have purchased their freedom from their own industry; others prefer holding Slaves as property to purchasing their freedom. (See Dominica Committee's Report, June 1823.)

GENERAL OBSERVATIONS.

See ST. VINCENT'S, - - Paper, No. 4.

III.—ST. CHRISTOPHER.

No. 1.—CONSOLIDATED MELIORATION LAW of 21st April 1798, passed at St. Christopher by Delegates from Leeward Islands, and still in force.

Religious Instruction.
Baptism.
Polygamy Discouraged.
Food.
Clothing.
Labour.

Rewards and Privileges.
Medical Treatment.
Legal Protection of Slave Persons
and Property.
Council of Protection.
General Regulations.

21st April 1798.—s. 26. *Religious Instruction* promoted. Owners prohibiting slaves from attending church or chapel, or from receiving baptism, to forfeit 5 *l*.

Baptism.—Clergyman refusing or neglecting to baptise slaves without fee or reward, to forfeit 30 *s*.

Polygamy Discouraged.—Rewards for slaves cohabiting as man and wife (not yet capable of understanding the religious contract of marriage, or if married, preserving the marriage vow.)—s. 22. Four dollars premium for each child born in faithful connection with one man as husband and wife.—s. 23. One dollar per annum while they live together faithfully as husband and wife.

Food.—s. 1. Specified quantity of provisions for each negro; penalty 10 *s*. per head.—s. 2, 5, 6. Land to be allotted for cultivation.—s. 3, 4. Money given in lieu of provisions.

Clothing.—s. 7, 8. Specified quantity of clothing to be given on oath of manager.—s. 12. Accounts to be kept of clothing and provisions furnished to slaves.

Labour.—s. 9. Half an hour at breakfast; two hours for dinner; ten hours of labour, 5 A. M. till 7 P. M.

Rewards and Privileges.—s. 37. Women five months with child not to be employed in labour.—s. 38. Women pregnant, and having one child, to have a separate house of two rooms.—s. 24. Women having six children to be employed in light work; penalty 20 *l*.

Medical Treatment.—s. 19. Medical aid is to be immediately supplied; penalty 50 *l*.—s. 27. Medical man to visit and give physic.—s. 28. Attendance at least twice a week.—s. 29. To attend within eight hours.—s. 30. Hospitals to be established on estates.—s. 31. Prescription book to be kept.—s. 32. Entry to be made of attendances.—s. 33. Medicine chest on estate.—s. 34. Medical man to be hired by the year.—s. 35. Return of deaths and medical treatment.—s. 36. Causes of deaths.

Legal protection of Persons and Property of Slaves.—s. 15, 16. Slaves maltreated by owners may be sold to other masters, and owners subject to action.—s. 20. Murder of a slave, death; coroner's inquest to be held.—s. 14. Persons who shall ill-use a slave of another master, or take from him any property, to be obliged to answer *on oath* before a magistrate any charge brought against him.

Council of Protection.—s. 17. Magistrates bound to proceed against offenders.

General Regulations.—s. 11. Public to support diseased and aged slaves without owners.—s. 18. Iron collars and chains prohibited; penalty 100 *l*.—s. 12. £. 300 currency for support of aged and infirm slaves.

III.—ST. CHRISTOPHER—continued.

No. 2.—PROVISIONS, under six different Heads, proposed in Lord Bathurst's Circular

RELIGIOUS INSTRUCTION.	SLAVE EVIDENCE.	MARRIAGE.	MANUMISSIONS.
Sunday markets to be abolished when religious instruction shall have been provided.	To be received if the slave produce a certificate from the parochial clergyman or religious teacher, that he has been instructed in the Christian religion so as to understand an oath. <i>Exception.</i> —Where the life of a master or white person is concerned.	To be confined as much as possible to slaves on plantations, and with consent of master, to be registered in parish church. If refused by master, the grounds to be stated to parochial clergyman. Mothers of a given number of children born in wedlock to be exempt from field labour.	Taxes on manumissions to be withdrawn. Bond to be given that the slaves shall not become chargeable, if below 6 or above 50 years old, or labouring under sickness, disease or infirmity. Mortgaged slaves to be valued by appraisers and manumitted, and produce paid into treasury. Manumissions to be registered.
Additional Provisions contained in Eight Bills sent out to Governors of Legislative			
No slave to be hired or employed except for domestic purposes on Sunday, under a penalty. No slave to be employed against his will in field labour, and to be paid wages for it.		Clergymen may solemnize marriage without consent of master.	Slaves, under certain restrictions, to be enabled <i>invito domino</i> to purchase their freedom and that of their families and relations.
Additional Provisions contained in Sir Geo. Murray's Letter to Governors of Legislative			
Slave should not be compelled to labour for his subsistence on Sunday, to supply him the rest of the week.	Unlimited slave evidence in civil and criminal cases. In the notes on Bill N° 2, transmitted on 10 May 1826, it is observed, that the evidence of six slaves in Demerara (where slave evidence has always been received as unfettered as the evidence of six slaves) to a punishment is considered as equivalent to that of one free person. See Order in Council, 2 Feb. 1830; s. 22.		
s. 1. Limits Sunday markets to 11 A. M.; penalty, forfeiture of goods and fine of 9s. s. 3. Prohibits all kind of labour on Sundays, except domestic affairs and potting of sugar. No mill shall be put about between 10 on Saturday night and daylight on Monday morning, under penalty of 50l. s. 8. All owners and managers to instruct their slaves in the Christian religion; to have all children baptised within six months of their birth, and all adults who can be made sensible of religious duty, which ceremony the parish clergyman shall, in all cases, perform and register, and give to each slave a certificate thereof, and shall administer spiritual consolation when required, in each particular, gratis; penalty 10l.	Slave evidence admissible in civil and criminal cases, except against owner or his representative. Slave to have certificate from clergyman that he understands the nature of an oath.	s. 8. Clergyman shall solemnize matrimony between slaves applying with their owner's consent, or if owners refuse, the slave may, through the Attorney-general, move the Court of King's Bench, which, the owner failing just cause of objection, shall grant the application.	
Mr. Secretary Huskisson made the following remarks on the above bill to the officer administering the government, in a letter, dated 7th March 1828: "I am commanded by the King to convey to the Legislative Council and Assembly of St. Christopher, the expression of his gracious and high approbation of the measures which they have adopted for improving the condition of the slave population of the island." "This Act is remarkable for the wisdom and humanity of the greater part of its provisions, and it is peculiarly gratifying to find that the legislature of this ancient colony have given the full sanction of their authority to measures which have elsewhere excited so much alarm, and called forth such urgent remonstrances." After noticing some of the enactments, Mr. Huskisson concludes with the following paragraph:—"Having thus drawn your attention to the various provisions of this law, which have appeared to me to have required any particular remark, I cannot conclude this despatch without renewing the expression of the very sincere satisfaction with which His Majesty's Government have regarded the cordial acquiescence of the colonial legislature in so many of the suggestions which were made to them by Lord Bathurst, in obedience to His Majesty's commands."			

ST. CHRISTOPHER, 7th January 1828.

to Governors of Legislative Colonies, dated 9th July 1823.

SALES of SLAVES.	PUNISHMENTS.	PROPERTY of SLAVES.	PROTECTOR of SLAVES.
Land, slaves and plantation, plant or utensils, to be sold in one lot. Husbands and wives not to be separated, nor children under 14 years from parents, and that they be sold to one proprietor, if the husband and wife belong to two separate parties.	The flogging of women to be abolished. Prohibits the use of the whip in the field, and any domestic punishment until the day following the offence, and then to be performed in the presence of a free person. Punishments exceeding three lashes to be recorded, and record book of offences and punishments sworn to quarterly. Traces of punishment not duly registered to be presumptive evidence of breach of law.		
<p>-- Colonies, on the 11th of May 1826.</p> <p>Slave families not to be separated under sales by <i>judicial process</i>.</p>	<p>Punishments of children under a certain age by whipping not prohibited. Various punishments substituted for the flogging of women.</p>	<p>Securing to slave whatever property he may acquire, and savings banks to be established.</p>	<p>Office of protector and guardian of slaves to be instituted.</p>
<p>-- Colonies, dated 3d and 15th September 1828.</p> <p>s. 16. Prohibits the separation of families by sale under <i>judicial process</i>; viz. husband and wife, or reputed as such, and child under 12 years of age.</p> <p>s. 11.—Limits punishment of slaves to twenty-five stripes in any one day for any offence whatever. Forbids any punishment until offender be recovered from any former chastisement. Restricts to twelve stripes on the day when any offence is committed, and to the like number unless in the presence of another free person, under penalty of fine and imprisonment, and prohibits any indecent exposure of females under punishment. Record to be kept for inspection of magistrates of all punishments exceeding twelve stripes, or forty-eight hours confinement. Penalty 5 <i>l.</i> to 50 <i>l.</i></p>	<p>s. 14.—No person shall use, for the purpose of impelling or coercing labour, or carry as an emblem of authority the instrument called the cart whip, under penalty of 100 <i>l.</i> or six months imprisonment, or both.</p>	<p>s. 9, 17.—Slaves may acquire, hold, enjoy and dispose of property; viz. money, cattle, household goods and the like, and may bring, prosecute or defend suits or actions in respect of the same. Persons invading it to pay 10 <i>l.</i> over and above its full value.</p> <p>s. 18.—Slaves may deposit their money to the extent of 9 <i>l.</i> at one time, or any one week, in the public treasury, at interest at 5 <i>l.</i> per cent. per annum, and bequeath such property at discretion, the same descending in the event of intestacy to the next of kin.</p>	

III.—ST. CHRISTOPHER—*continued.*

No. 8.—CONSOLIDATED MELIORATION LAW of 21st April 1798, passed at St. Christopher's by Delegates from the Leeward Islands, and still in force.

Religious Instruction.
Baptism.
Polygamy discouraged.
Food.
Clothing.
Labour.

Rewards and Privileges.
Medical Treatment.
Legal Protection of Slave Persons and Property.
Council of Protection.
General Regulations.

21st April 1798.—S. 26. *Religious Instruction promoted.*—Owners prohibiting slaves from attending church or chapel, or from receiving baptism, to forfeit 5 *l.*

Baptism.—Clergyman refusing or neglecting to baptise slaves without fee or reward, to forfeit 30 *s.*

Polygamy discouraged.—Rewards for slaves cohabiting as man and wife, (not yet capable of understanding the religious contract of marriage, or if married, preserving the marriage vow).—S. 22. Four dollars premium for each child born in faithful connexion with one man as husband and wife.—S. 23. One dollar per annum while they live together faithfully as husband and wife.

Food.—S. 1. Specified quantity of provisions for each negro; penalty, 10 *s.* per head.—S. 2, 5, 6. Land to be allowed for cultivation in lieu of provisions.—S. 3, 4. Money given in lieu of provisions.

Clothing.—S. 7, 8. Specified quantity of clothing to be given on oath of manager.—S. 12. Accounts to be kept of clothing and provisions furnished to slaves.

Labour.—S. 9. Half an hour at breakfast, two hours for dinner, ten hours of labour, 5 A. M. till 7 P. M.

Rewards and Privileges.—S. 37. Women five months with child not to be employed in labour.—S. 38. Women pregnant, and having one child, to have a separate house of two rooms.—S. 24. Women having six children, to be employed in light work; penalty, 20 *l.*

Medical Treatment.—S. 19. Medical aid to be immediately supplied; penalty, 50 *l.*—S. 27. Medical man to visit and give physic.—S. 28. Attendance at least twice a week.—S. 29. To attend within eight hours.—S. 30. Hospital to be established on estate.—S. 31. Prescription-book to be kept.—S. 32. Entry to be made of attendances.—S. 33. Medicine-chest on estate.—S. 34. Medical man to be hired by the year.—S. 35. Return of deaths and medical treatment.—S. 36. Causes of deaths.

Legal Protection of Persons and Property of Slaves.—S. 15, 16. Slaves maltreated by owners may be sold to other masters, and owners subject to action.—S. 20. Murder of a slave, death; coroner's inquest to be held.—S. 14. Persons who shall ill use a slave of another master, or take from him any property, to be obliged to answer *on oath* before a magistrate any charge brought against him.

Council of Protection.—S. 17. Magistrates bound to proceed against offenders.

General Regulations.—S. 11. Public to support diseased and aged slaves without owners.—S. 18. Iron collars and chains prohibited; penalty, 100 *l.*—S. 12. 300 *l.* currency for support of aged and infirm slaves.

III.—ST. CHRISTOPHER—*continued.*No. 4.—REMARKS on the annexed ACTS of the LEGISLATURE, from
Official Papers.

THE Leeward Island Act of 1798, passed upwards of *thirty years ago*, is an important proof of Lord Eldon's declaration being true *, that if the Legislatures had been left to themselves, ~~they~~ they would have done more to meliorate the condition of the slaves, than if goaded by a party at home, whose object is believed in the Colonies to be to render the planters odious in the eyes of their fellow countrymen, to afford them, by raising a clamour, to obtain for themselves political power.—See ST. VINCENT Report.

The excellent law above quoted proves that the Colonial Legislatures may safely be trusted to legislate for their slaves. There is scarcely an important suggestion since made which has not been anticipated and practically attained by it or by its influence, which gave a character to and produced the existing usages of the Colonies. By that law, the master is the guardian of the slave and protects his property. It is true that the law did not provide against the master taking the property of the slave, because such an offence had been and is to this day unheard of, and would place the master out of the pale of society. The term "maltreat" has been considered by the best lawyers as a protection which, on all occasions, has enabled the Attorney-general, or any magistrate, to prosecute in any cases of alleged cruelty, and convictions have followed. It has no doubt happened in the West Indies, as in England, that persons have been acquitted from defects in the law, or indictment, or evidence, or from one or more perverse jurors, as has occurred here where persons have been acquitted of an offence of which they had been convicted some time before on the same or similar evidence. These cases, however, form the exception, not the rule. It is notorious, that although the law did not forbid the separation of slave families, families are not separated in this island and sold, nor indeed in any other. It is moreover the interest of the master not to separate the husband and wife, or reputed husband and wife, or the children from the parents; they have the opportunity, if they were separated, of seeing each other as often and oftener than domestic servants in this country. Lord Bathurst's circular letter of the 9th July 1823, recommended certain measures which the Colonists had practised, and which they would probably have adopted at once as laws, if they had not felt sore at having been calumniated here. The law of 1828 only converted a portion of their usages into laws; and it does not really appear that the actual condition of the slaves, generally speaking, has been improved by them. It must be admitted on all hands, that nothing could have been more conciliatory or more courteous than the course adopted by the Colonial Secretaries in conducting this delicate and difficult negotiation. Time is the only beneficial innovator and

* 7th March 1826:—"My *fixed opinion* is, that these great and desirable objects, viz. those contemplated by the Resolutions of 1823, have been more retarded by the intemperate zeal of those who have been the advocates of those measures, than they had been or could be by any direct opposition on the part of those who opposed them."

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III.—ST. CHRISTOPHER—*continued*.

improver of society. It is too much to expect to change the confirmed habits and usages of a people by mere legislative enactments. Free labour therefore must be the result of experience. The report of the Branch Association of St. Christopher, made up from the reports of the clergymen of the different parishes, shows that the education there of the free and slave children to be making most satisfactory progress. Indeed the numbers educated there in proportion to the population, exceed the numbers educated by the national schools in England, in proportion to the population of this country.

The planters of St. Christopher resident in England, petitioned the House of Commons for inquiry ; as the prayer of that petition has not been complied with, it is evident the House acquiesced in the statements made by the religious, civil, military and naval authorities as to the condition of the slave being good, otherwise the House would have been doing great injustice to the Colonists, by refusing to them the opportunity of disproving the charges against them made by the anti-colonists, by which their characters have been traduced and vilified.—*See St. VINCENT, No. 6.*

For General Observations, *see St. VINCENT, No. 4.*

IV.—N E V I S.

See ST. CHRISTOPHER, No. 1.

LEEWARD ISLAND MELIORATION ACT, 1798, at present in force in

ANTIGUA,
ST. CHRISTOPHER,
NEVIS,
MONTSERRAT, and
THE VIRGIN ISLANDS.

IV.—NEVIS—continued.

No. 2.—PROVISIONS under Six different Heads proposed in Lord Bathurst's

RELIGIOUS INSTRUCTION.	SLAVE EVIDENCE.	MARRIAGE.	MANUMISSIONS.
Sunday markets to be abolished, when religious instruction shall have been provided.	To be received if the slave produce a certificate from the parochial clergyman, or religious teacher, that he has been instructed in the Christian religion, so as to understand an oath. Exception; where the life of a master or white person is concerned.	To be confined as much as possible to slaves on plantations, and with consent of master, to be registered in parish church; if refused by master, the grounds to be stated to parochial clergyman. Mothers of a given number of children born in wedlock, to be exempt from field labour.	Taxes on manumissions to be withdrawn. Bond to be given that the slaves shall not become chargeable, if below six or above fifty years old, or labouring under sickness, disease or infirmity. Mortgaged slaves to be valued by appraisers, and manumitted, and produce paid into treasury. Manumissions to be registered.
Additional Provisions contained in Eight Bills sent out to Governors of Legislative			
No slave to be hired nor employed, except for domestic purposes, on Sunday, under a penalty. No slave to be employed against his will in field labour, and to be paid wages for it.		Clergyman may solemnize marriage without consent of master.	Slaves, under certain restrictions, to be enabled <i>in-vito domino</i> to purchase their freedom, and that of their families and relations.
Additional Provisions contained in Sir George Murray's Letter to Governors of Legislative			
Slave should not be compelled to labour for his subsistence on Sunday, to supply him the rest of the week. Act 4. Sunday markets and shops to be closed at eleven A. M. except druggists, and for the sale of perishable food out of church hours, as in England. No person shall employ slaves in any kind of labour, except domestic affairs, or in cases of accident or emergency on Sunday. Penalty, 1 <i>l.</i> to 10 <i>l.</i> for each offence.	Unlimited slave evidence in civil and criminal cases. (In the notes on Bill No. 2, transmitted on 10 May 1826, it is observed, that the evidence of six slaves in Demerara, where slave evidence has always been received as unfettered as the evidence of free persons, the testimonies of six slaves to a punishment are considered as equivalent to that of one free person.) See Order in Council, 2d Feb. 1830; S. 22. Act. 2. Slave evidence admitted, except against owners and managers in capital charges. (2d Oct. 1828.)	Act 3. An Act for regulating the solemnization of marriages among slaves, and for declaring such marriages valid and effectual in law. Clergymen to celebrate without fee or reward. Owners refusing permission, or not giving sufficient reason, the ordinary may authorize the solemnization of the marriage.	Act 7. An Act more effectually to facilitate the manumission of slaves. S. 1. If a manumitted slave be likely to become chargeable to the public, from inability to support himself, his owner shall enter into suitable recognizance to defray his maintenance.

NEVIS, 2 & 10 Oct. and 18 Dec. 1828.

Circular to Governors of Legislative Colonies, dated 9th July 1823.

SALES OF SLAVES.	PUNISHMENTS.	PROPERTY OF SLAVES.	PROTECTOR OF SLAVES.
Land-slaves and plantations, plant or utensils, to be sold in one lot. Husbands and wives not to be separated, nor children under 14 from parents, and that they be sold to one proprietor if the husband and wife belong to two separate parties.	The flogging of women to be abolished, prohibits the use of the whip in the field, and any domestic punishment, until the day following the offence; and then to be performed in the presence of a free person. Punishments exceeding three lashes to be recorded, and record-book of offences and punishments sworn to quarterly. Traces of punishment not duly registered to be presumptive evidence of breach of law.		

-- Colonies, 11th May 1826.

Slaves not to be separated under sales by judicial process.	Punishments of children under a certain age by whipping not prohibited. Various punishments substituted for the flogging of women.	Securing to slave whatever property he may acquire, and savings banks to be established.	Office of protector and guardian of slaves to be instituted.
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-- Colonies, dated 3d and 15th September 1828.

Act 6. An Act to prevent the separation of slaves by sale or transfer. Father, mother or children under 12 years shall on no account be sold under legal process, otherwise than together, unless with their own free will and consent. Any sale to the contrary of these provisions is null and void, and the offender punishable by fine of 50 <i>l.</i> and imprisonment.	Act of 1826, s. 16, prohibits the carrying the cart-whip, either as an emblem of authority or instrument of punishment, allowing only some moderate and innoxious substitute. s. 17. No female slave shall be otherwise chastised than with a bunch of rods, not exceeding twenty stripes, over back and shoulders. Indecent exposure of person prohibited.	Act 5. An Act to enable slaves to acquire, possess and alienate property; also to bring, maintain, prosecute and defend any suit or action in respect thereof, as fully and amply and to all intents and purposes as if such person were of free condition, such property, in case of intestacy, shall go to the next of kin.	Act 1. Establishes and vests in the magistracy of the island the protection and guardianship of slaves, requiring of each to hear and investigate all complaints made by slaves; to issue warrant against and prosecute offender under penalty of 200 <i>l.</i>
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IV.—NEVIS—*continued.*No. 3.—LEEWARD ISLAND MELIORATION ACT, 1798, in force.—
See ST. CHRISTOPHER, No. 3.

1818, 22 May.—*Religious Observance of Sunday.*—Shops to be shut; no work to be done, except domestic work.

Legal Protection.—In case of severe ill treatment master to be punished and slave made free, with 20 *l.* per annum from owner, through the public treasurer.

Punishments limited to 10 lashes by an inferior agent, and to 39 by order of owner or attorney.

No. 4.—REMARKS on the annexed ACTS of the LEGISLATURE, from Official Papers.

THE Leeward Island Act of 1798, passed upwards of 30 *years ago*, is an important proof of Lord Eldon's declaration being true*, that if the Legislatures had been left to themselves they would have done more to meliorate the condition of the slaves than if goaded by a party at home, whose object is believed in the Colonies to be to render the planters odious in the eyes of their fellow countrymen, to afford them means by raising a clamour, to obtain for themselves political power†. The excellent law above quoted proves that the Colonial Legislatures may safely be trusted to legislate for their slaves. There is scarcely an important suggestion since made which has not been anticipated and practically attained by it or its influence, which gave a character to and produced the existing usages of the Colonies. By that law the master is the guardian of his slave, and protects his property. It is true the law did not provide against the master taking the property of the slave, because such an offence had been and is to this day unheard of, and would place the master out of the pale of society. The term "maltreat" has been considered by the best lawyers as a protection, which has on all occasions enabled the Attorney-general or any magistrate to prosecute in cases of alleged cruelty, and convictions have followed. It has no doubt happened in the West Indies as in England, that persons have been acquitted from defects in the law, indictment or evidence, or from perverse jurors, as has occurred here, where persons have been acquitted of an offence of which they had been convicted some time before on the same or similar evidence. These cases, however, form the exception, not the rule. It is notorious, that although the law did not forbid the separation of families, they are not separated and sold in this island, nor indeed in any other. It is moreover the interest of the master not to separate the husband and wife, or reputed husband and wife, or the children from the parents; they have the opportunity, if they are separated, of seeing each other oftener than domestic servants in this country. Lord Bathurst's circular (9th July 1823) recommended certain measures which the Colonists had practised, and would probably have at once adopted as laws if they had not felt sore at having been calumniated here.

In 1828 the planters of Nevis then resident in England, petitioned Parliament for inquiry into the condition of their slaves (for Petition, *see* No. 6, ST. VINCENT); as the prayer of that petition has not been complied with, it is to be inferred that the House acquiesced in the statements made by the religious, civil, military and naval authorities, that the condition of the slaves generally was good; otherwise the House would have been doing great injustice to the Colonists, by refusing to them the opportunity of disproving the charges made against them by the Colonists, by which their characters have been traduced and vilified.

For General Observations, *see* ST. VINCENT, No. 4.

* Lord Eldon's speech in the House of Lords:—"My fixed opinion is, that these great and desirable objects, viz. those contemplated by Resolutions of 1823, have been more retarded by the intemperate zeal of those who have been the advocates of these measures, than they had or could be by any direct opposition on the part of those who opposed them."

† *See* St. Vincent Representation, 27th October 1830.

V.—TOBAGO.

No. 1. Food.

~~CLOTHING.~~

MANUMISSIONS.

LEGAL PROTECTION.

PUNISHMENTS.

5th March 1794.

Food.—s. 17. One acre of provision-ground for every five slaves. Two freeholders to inspect grounds.

Clothing.—s. 17. Sufficient clothing once a year.

Manumissions.—100 *l.* to be deposited on Manumission. Slave to be allowed 8 *l.* per annum.

Legal Protection.—s. 7. Slave evidence against slaves.—S. 18. Slaves cruelly whipped, offender to be prosecuted. Killing a slave, murder.

Punishments.—s. 18. Slaves to be moderately whipped.

TOBAGO—continued.

No. 2.—PROVISIONS, under Six different Heads, proposed in Lord Bathurst's

RELIGIOUS INSTRUCTION.	SLAVE EVIDENCE.	MARRIAGE.	MANUMISSION
Sunday markets to be abolished, when religious instruction shall have been provided.	To be received if the slave produce a certificate from the parochial clergyman or religious teacher that has been instructed in the Christian religion, so as to understand an oath. <i>Exception</i> , where the life of a master or white person is concerned.	To be confined as much as possible to slaves on plantations, and with consent of master. To be registered in parish church. If refused by master, the grounds to be stated to parochial clergyman; mothers of a given number of children born in wedlock to be exempt from field labour.	Taxes on manumissions to be withdrawn; bonds to be given that the slave shall not become chargeable, if below 6 or above 50 years old, or labouring under sickness, disease or infirmity. Mortgaged slaves to be valued by appraisers and manumitted, and produce paid into Treasury. Manumissions to be registered.
Additional Provisions contained in Eight Bills, sent out to Governors of Legislative ..			
No Slave to be hired or employed except for domestic purposes, on Sunday, under a penalty. No Slave to be employed against his will in field labour, and to be paid wages for it.		Clergymen may solemnize marriage without consent of master.	Slaves, under certain restrictions, to be enabled <i>invito domino</i> to purchase their freedoms, and that of their families and relations.
Additional Provisions contained in Sir G. Murray's Letter to Governors of Legislative ..			
Slave should not be compelled to labour for his subsistence on Sunday to supply him the rest of the week.	Unlimited slave evidence in civil and criminal cases. (In the Notes on Bill No 2, transmitted on 10th May 1826, it is observed that the evidence of six slaves in Demerara, (where slave evidence has always been received as unfettered as the evidence of free persons,) to a punishment, are considered as equivalent to that of one free person. See Order in Council 2d February 1830, s. 22.		
s. 14.—No market or shop shall open on Sundays, otherwise than for the purchase of articles of food, under penalty of seizure of goods, and fine of 5 l.	s. 5.—The evidence of slaves shall in all cases, civil or criminal, be received and admitted precisely as that of free persons, without any other restriction or exception whatever.	s. 12.—Clergymen to celebrate matrimony gratis, between parties applying with owner's consent, and appearing sensible of matrimonial obligation.	
s. 15.—No slave shall be employed in labour on a Sunday, except on domestic business, sudden accident, or potting of sugar, under penalty of 5 l.			
No mill to be put about between eight on Saturday night and four on Monday morning, under like penalty.			
s. 11.—Owners or managers to promote baptism and religious instruction; the former within 6 months of the birth of infants, and on all adults as soon as they can be made sensible of religious duties.			
Clergymen or Dissenting preachers required to perform the duty without fee or reward.			
With regard to this Island, Earl Bathurst, in a despatch dated the 25th July 1844, writes that "the Legislature of Tobago, previously to the suggestion which I had the honour to communicate to the Governors of the Colonies in the West Indies, has evinced their anxiety for the improvement of their slave laws, by their favourable reception of an Act which they have since passed, and which it is impossible not to view as comprising many humane and judicious enactments, very materially contributing to such improvement."			

TOBAGO, 2d August 1823: 15th August 1829.

Circular to Governors of Legislative Colonies, dated 9th July 1823.

SALES of SLAVES.	PUNISHMENTS.	PROPERTY of SLAVES.	PROTECTOR of SLAVES.
Land, slaves and plantation, plant or utensils to be sold in one lot. Husbands and wives not to be separated, nor children under 14 from parents, and that they be sold to one proprietor, if the husband and wife belong to two separate parties.	The flogging of women to be abolished. Prohibits the use of the whip in the field; and any domestic punishment until the day following the offence, and then to be performed in the presence of a free person. Punishments exceeding three lashes to be recorded, and record-book of offences and punishments sworn to quarterly. Traces of punishments not duly registered to be presumptive evidence of breach of law.		
- - Colonies on 11th May 1826.			
Slaves not to be separated under sales by <i>judicial process</i> .	Punishments of children under a certain age by whipping not prohibited. Various punishments substituted for the flogging of women.	Securing to the slave whatever property he may acquire; and Savings Banks to be established.	Office of protector and guardian of slaves to be instituted.
- - Colonies, dated 3d and 15th September 1828.			
s. 13.—Absolutely prohibits the separation by sale, <i>judicial or private</i> , of father mother or child, or children under 12 years old, such sale, if attempted, declared null and void.	s. 19.—Strictly prohibits exposure of females under punishment. s. 20.—Prohibits any kind of punishment by driver unless under express order of owner or manager. s. 21.—Limits overseers to infliction of six stripes; owner to 12, except in presence of other free person, not to exceed 20 under any circumstances, and not more than 12 on the day when offence is committed, nor a second punishment, although for a second offence on the same day, nor until recovered from effects of any former chastisement. s. 22.—To exceed those limits, or to wantonly or cruelly cut, wound, maim, or mutilate, or confine without sufficient support, shall be prosecuted as a misdemeanor, and punished by fine or imprisonment or both. Magistrates appointed guardians, and required to investigate complaints, and direct prosecution of offender.	s. 17.—Empowers slaves to purchase, acquire, possess and dispose of <i>real and personal</i> property to any amount, and to bring and maintain suits in respect thereof, as full and amply in all respects as persons of free condition.	s. 10.—Justices of the Peace are a council of protection; they are to be held responsible to owners carrying into execution the melioration provisions with respect to the food, clothing and general treatment of slaves; and in case of owners neglecting to feed and clothe slaves, justices are to see it done at owners' expense.

V.—TOBAGO—*continued.*

No. 3. FOOD.

CLOTHING.

LABOUR AND HOLIDAYS.

LEGAL PROTECTION.

Food and Clothing.—s. 9. Every owner or manager shall allow to each slave sufficient land, adapted to the growth of provisions, for his or her support and maintenance; each slave shall be allowed every Thursday, during seven months in the year, to cultivate the same; but where an owner has not suitable land, he shall make ample provision for each slave in lieu thereof; and he shall provide for every family a good and comfortable house; and give to each slave, when practicable, a weekly allowance of salt fish, or such other food as their ages and state of health may require; and give to each sufficient and suitable clothing and blankets; to slaves unattached to any estate the owner shall also give comfortable lodging, sufficient food, and decent clothing. —Penalty, 2*l.* sterling for each omission. Justices shall, on complaint made, investigate the case, and provide each slave with adequate food and clothing at owner's cost.

Labour and Holidays.—s. 19. No slave shall leave home for labour before day-break, nor work after sunset, except in particular cases requiring night work; and each slave shall have time, for breakfast forty minutes, and for dinner one hour and forty minutes.

Legal Protection.—s. 2. Slaves accused of higher crimes than misdemeanour shall be tried in all respects like free persons, and shall, when required, have counsel assigned them at the public expense, in sufficient time to instruct, whom shall be a reasonable cause for deferring the trial to the following session.

No. 4.—REMARKS on the annexed ACTS of the LEGISLATURE, from
Official Papers.

Sunday Markets.—The Legislature of Tobago has done itself great credit in the abolition of Sunday Markets, and the due observance of Sunday, as well as the regulations as to religious duties.

Evidence.—This colony was the first to introduce unlimited slave evidence; and it does not appear as yet to have proved prejudicial to the interests of the master.

The Marriage of Slaves is encouraged with the consent of the master. This limitation is introduced for obvious reasons, the control of the estate, and because the slave is not mentally fit to be released from that parental jurisdiction exercised by a father towards children under age.

The now separation of families has been provided for. At twelve years of age, the children are physically matured, and therefore that age is fixed when they feel themselves independent of their parents, and act accordingly.

Punishments.—Females are not punished by whipping so as to occasion an exposure. It is to be observed, that among the African and other women their dispositions are so obstinate, that the fear of punishment is the only check and security for their obedience. The punishment of the male slaves is regulated only with a view to enforce obedience and discipline.

Slave Property.—They have all the privileges of whites in this respect.

Council of Protection.—The Attorney-general is considered the protector of slaves, and the magistrates a council of protection; besides, the Governor entertains and investigates all applications from slaves, and orders prosecutions in case of the charge being established.

VI.—THE VIRGIN ISLANDS.

No. 1.

For No. 1, containing Slave Melioration Provisions passed previously to the Year 1823, see ST. CHRISTOPHER, No. 1, containing the Leeward Island Slave Law of 1798, which Slave Law is in force at present in the Virgin Islands.

No. 2.

Note.—AS the Legislature of the VIRGIN ISLANDS has not passed any Provisions in conformity with the recommendations of the Secretary of State, the Paper No. 2, comprehending these Enactments for other Colonies, does not exist for the Virgin Islands, the Leeward Island Slave Law of 1798 being in force there as in the Colonies of ANTIGUA and MONTSERRAT.

TORTOLA AND THE VIRGIN ISLANDS.

No. 3.

For Enactments now in force for Slave Government, see ST. CHRISTOPHER, No. 3, containing the Leeward Island Slave Law of 1798.

No. 4.—REMARKS on the annexed ACTS OF THE LEGISLATURE, from Official Papers.

THE Leeward Island Act of 1798, passed upwards of 30 years ago, is an important proof of Lord Eldon's declaration* being true, that if the Legislatures had been left to themselves, they would have done more to meliorate the condition of the slaves than if goaded by a party at home, whose object is believed in the colonies to be to render the planters odious in the eyes of their fellow-countrymen, to afford them means, by raising a clamour, to obtain for themselves political power.† The excellent law above quoted proves that the colonial legislatures may safely be trusted to legislate for their slaves. There is scarcely an important suggestion since made which had not been anticipated and practically attained by it or its influence, which gave a character to and produced the existing usages of the colonies. By that law, the master is guardian of his slave, and protects his property. It is true that the law did not provide against the master

* 7th March 1826.—My fixed opinion is, that these great and desirable objects, viz. those contemplated by the Resolutions of 1823, have been more retarded by the intemperate zeal of those who have been the advocates of these measures, than they could be or had been by any direct opposition on the part of those who opposed them.

† See St. Vincent representation, 27th Oct. 1830.

It has no doubt happened in the West Indies, as in England, that persons have been acquitted from defects in the law, or indictment, or evidence, or from one or more perverse jurors, as has occurred here, wheresoever persons have been acquitted of an offence of which they had been convicted some time before, on the same or similar evidence—these cases, however, form the exception, not the rule. It is notorious, that although the Law did not forbid the separation of families, they are not separated and sold in the Virgin Islands, nor indeed in any other. It is moreover the interest of the master not to separate the husband and wife, or reputed husband and wife, or the children from the parents; they have the opportunity, if they are separated, of seeing each other oftener than domestic servants in this country. Lord Bathurst's letter of the 9th July 1823 recommended certain measures which the colonists had practised, and which they would probably have adopted at once as laws, if they had not felt sore at having been calumniated here. In a Report of a Committee of the Legislature, dated 23d December 1830, one of the Wesleyan missionaries states, "that since 1814, at which time he arrived in the island, he had observed a gradual progress in moral and religious improvement, in the white, free coloured and slave population; that, in consequence, less necessity exists to use coercive measures towards the slave, and that such measures had died a death from which he hoped they might never rise. With respect to himself personally, he had met friendship, encouragement and attention: he felt it his duty, however, to state, that the practice lately adopted of importing persons from Europe, taken from the plough or similar labours, to serve as managers or overseers on estates, was of evil tendency, as such persons, unaccustomed to command, were put in authority over hundreds of their fellow-creatures, whose character they were unacquainted with. The Committee have much satisfaction in referring to the documents annexed, No. 3 to 7, by which it will be perceived that much has been done in the Virgin Islands for improving the condition of the slave, and towards meeting the views of Government, not indeed arising out of the legislative enactments, but adopted under the influence of feelings of the purest humanity; measures of common consent, free from all compulsion. From the materials laid before the House the Committee feel themselves borne out in asserting that none of the charges in the Resolutions of the Methodist Conference, under consideration, attach themselves to the Virgin Islands, and they cannot but regret that the Christian ministers assembled at that Conference had not more regard to the Christian virtue of charity than to have involved in one general calumny every West Indian, without any regard to individual merit."

For General Observations, see Note 44.

~~expense of the finer sorts, and yet they would pay the lowest rate of freight.
Democrats are exported in double the proportion and consequently at half the
because the inferior qualities which are produced in our lands, such as Turkish cotton,
an oppressive rate on the old colonies and the English goods, and thus it was that~~

SAINT VINCENT.

REPORT of a COMMITTEE of the LEGISLATURE of St. Vincent, appointed to inquire into the Financial, Commercial, and Political State of the Colony; dated 27th October 1830.

THE COMMITTEE appointed by the Legislature, to inquire into the Financial, Commercial, and Political State of the Island of St. Vincent, have examined the matters to them referred; and have agreed to the following **REPORT**:

YOUR COMMITTEE thought it their duty in the first place, to frame a series of Interrogatories, which they circulated among the principal proprietors, merchants, and attorneys in the Island; and from these sources, as well as the general information obtained from other persons, they have been enabled to state the following results, which they propose to take nearly in the order stated in the agent's communication.

It appears that the Cost of production of one cwt. of Sugar on large estates, is 20s. 2d. sterling, but on those not exceeding 100 hogsheads, it must be estimated at 30s. Now the average value of the very best sugar (the produce of a few estates,) for the last three years, has been 62s. 2d., which includes the duty of 27s., and the other charges 8s. 10d., from which, if the cost of production is taken, an apparent profit of 6s. 2d. remains; but it must be borne in mind these prices are for the best sugars produced in the Island on few estates only; the general average during that period was only 55s. and the present general average value cannot be rated at more than 50s., which, at the same expenses, (except the 3s. abatement of duty,) gives a loss of 3s. per cwt. to the planter.

It will be seen, by a reference to the Appendix (A.) from the statements of the value and expenditure of different estates, that the planter has been and is now carrying on his cultivation at an absolute loss, on a species of property, which it is distinctly proved ought to produce ten per cent. at the least, to be deemed fairly productive, on the capital invested and the risks encountered.

It appears from the fairest average that can be deduced from the various estimates we have obtained, that 28s. 6d. per cwt. for sugar, 1s. 10d. per gallon for rum, and 13s. per cwt. for molasses, are fair remunerating prices for the planter, after deducting all charges, which on sugar are at present 33s., on rum 7d. and on molasses 17s.

Rums should be admitted at the same as other British Spirits; these duties on sugar fall on the planter in the proportion to the gross sales, at 62s.; the duty may be said to be divided between the planter and consumer, but in any decreasing series the loss is the planter's.

If a bounty on the exportation of sugars were given to the refiner, so as to enable him to export to the amount of the surplus not consumed in England, the planter would obtain remunerating prices, but as long as the heavy duties are exacted, the prices will be too high to favour a large consumption by the general population.

As to the "ad valorem" question, it appears wholly impracticable, and would be an oppressive rate on the old colonies and the growers of the finer qualities of sugar, because the inferior qualities which are produced in new lands, such as Trinidad and Demerara, are exported in double the proportion, and consequently at half the expense of the finer sorts, and yet they would pay the lowest scale of duty.

The next and most material point is the mode of transacting business in the sugar market, which may be stated in general terms to be decidedly against the fair rights of the planter on every point, but particularly the selling at the long price calls for unqualified revision. The planter now pays the duties and freight on sugars previous to their quitting the docks, looking to the purchaser when the time of payment comes for his reimbursement. If by insolvency or any other accident within the period of two months in London and four months in the Out Ports, the contract is not fulfilled, the planter loses not only his sugar but the duties and freight

freight besides. Thus the 64 hogsheads referred to in Appendix (A.) produced net £.896; the duty, freight and charges on them is £.1,568. If, therefore, a sale were made to a bankrupt, the planter loses not only his sugar which has cost him in this case 30s. to produce, but double its value in cash advances, besides merchants and lawyers charges in attempting to procure a dividend from the insolvent. Sugars ought in common justice, to be sold like rum, when the duties are paid by the purchaser on delivery from the docks.

The introduction of Foreign and Mauritius and East India Sugar, has in fact overwhelmed the market beyond its demand; and the protecting duties are not sufficient to give that priority and preference to the West Indies, which their importance to the State imperatively demands.

The Anti-colonial party, also encourage the sale of these Sugars, upon the pretext of their being produced by free labour; a statement already sufficiently refuted in many well-authenticated publications.

COMMERCIAL.

AS the Expenses of an Estate ought to be nearly defrayed by the offal crop of Rum and Molasses, any deficiency in the value of these falls heavily on the Sugar. In the present state of things, the offal crop is of very low value; and it will be an important benefit to the planter, if the Canadian and the other British Provinces in America, could consume this produce at fair and reasonable rates. But it appears, from the heavy duties and various restrictions, the produce enters these markets at great disadvantages; while on the contrary, the Canadian produce is admitted into the West Indies free of every expense; hence, a valuable line of trade with the United States is wholly abandoned, for there can be no doubt if the duties were lowered; the exports, to the back settlements in particular, would be immense.

In Canada, the tax on Rum is 6d. sterling and 6d. currency, the gallon, which sells for 2s. 8d. per gallon, currency.

Molasses are taxed at 7d. sterling and 5d. currency, and sell at from 1s. 9d. to 2s.

These duties are required to be immediately paid, and in Spanish dollars, which bear a premium of from seven to eight per cent. also a drawback is allowed to Canadian registered vessels carrying the produce.

At Halifax the duties are, on Rum 1s. currency, Molasses 1d. sterling and 1d. currency; these are paid the same as in Canada.

At Newfoundland, Rum pays 6d. sterling, and Molasses 1d.

Emigration to Canada is increasing, and it must be the policy of Government to encourage that province, which can supply every thing to the Colonies, (except pitch, pine and rice, and for the one hardwood may be substituted, and the other can be got from Africa,) and in return can take the produce which would find its way to the States in every direction.

Your Committee anxiously submit, that the improvement of Trade with the British Provinces in America will be attended with the greatest possible advantage to the Planters and Merchants, in not only employing British capital and ships, but a Nursery for Seamen, an aid that should always be kept in view.

If this desirable object be accomplished, there can be no beneficial results from a direct trade with the United States, because they have hitherto disdained the true principle of trade, which is reciprocity; they sell all and buy none. During the occasional intervals of trade their charges were enormous in their own ports, (see Appendix (B.) and they completely stripped the Colonies of their specie, which is only obtained from the issues to the troops, and of course much limited under the Peace establishment; and opened a vent for frauds of various kinds by buying indiscriminately old copper, brass and lead, which caused great depredations on estates; and by covertly introducing their salted provisions at such a low rate as to supersede the Irish supplies; if, however, their trade is thrown open, it ought to be under such Restrictions as will insure the barter of a certain proportion of colonial produce in exchange for their own.

The Exclusion of American Fish is a wise and politic regulation, not to be departed from; yet considerable improvements may be made in the British Fisheries, which will

will tend to the advantage of the West Indians. Newfoundland fish has been reduced in quantity and quality; the neglect of the selectors of fish has been such of late years, that it will not keep half the time in this climate it used to do, while it has risen one-quarter in price, which arises from the dearth of population. The fishermen, after the season is over, have no resources, as at Halifax and other ports, where they are employed in agriculture and wood-cutting. If settlers were encouraged by a moderate bounty, this colony would improve, and the market for produce would consequently increase.

In closing their Remarks on this head, the Committee remark, that the various Changes which are constantly made and making in the regulations of Trade, are attended with the most serious Disadvantages, and operate as a great discouragement to capitalists; time is not given for the developement of any one plan; and before any commercial adventures can properly be established, some new and contradictory system is introduced. Nothing can be more injurious to the best interests of Great Britain, and requires immediate correction.

As to the Custom-house Establishment, the Legislature has been willing that it should be defrayed out of the duties (as long as they are available) on imports, aided by a tonnage on the shipping; but they prudently declined to pass a perpetual Bill for the payment of the officers' salaries from a fluctuating, and at present deficient fund. This measure may still be adopted, provided no part of the salaries be paid out of the Island taxes; but your Committee submit, the establishment might be very considerably reduced, without injury to the Revenue, both in numbers and remuneration, for the very limited duties that are required to be performed.

POLITICAL.

THE most important point on this head is the influence of Party on West India property, on which your Committee have bestowed the greatest care, and after the most minute investigation, they are enabled to state the unanimous opinion:—

That the influence of the Anti-colonial Party in and out of Parliament, has depreciated the value of the West India estates one half in value; and the other property, such as houses, trades, &c. in a greater proportion. The confidence of the British merchant in the planter is destroyed; a simple consignment of goods to a merchant is made with hesitation and doubt, and the exchange on England is enormous. All this has been effected by a party without a legitimate object; they wish to obtain Political Power, and found their opposition on a popular question. They have no real desire to benefit the Slaves, but Philanthropy is a deceptive word to the multitude, and if place and power were conceded to them, their outcry against the colonial system would cease.

But His Majesty's Ministers would do well to consider, when the Colonies are ruined—and the work is advancing fast—where will the Chancellor of the Exchequer look for the Deficit of five millions, which will be occasioned by submission to a party of private moralists little heard of, and less attended to, till within these very few years, whom, in consequence of political assistance, they are not disposed effectually to resist, although the sacrifice may be the West Indies.

Respecting the Slave Trade Abolition Laws, your Committee particularly notice one great source of their misfortunes, arising from the neglect of the Government in not enforcing the observance of them by Foreign Powers; hence the French, Spanish and Brazilian glut the European market with produce made by illegally imported slaves, of course at lower rates, to the detriment of the English colonist. This traffic is too notorious in Martinique, Guadaloupe, Cuba and the Brazils, to be disputed, and a degradation to the first Naval power in the world.

Your Committee remark with great satisfaction the amended Bill introduced by His Majesty's Government last session, by which foreign runaway slaves will be restored, and the removal of slaves to other colonies partially admitted; but they consider many of the restrictions very burthensome, particularly the renewal of the license annually, the equality of sexes, and the number of domestics, which are fewer in number than those actually employed in families.

The principal point is, Will the Government confine Slaves to starvation in an exhausted island, when by removal, with their own consent, to more fertile soils they will enjoy abundance? The present system is fraught with insubordination of every description.

The Anti-slavery party have constantly held a most erroneous opinion, that the planters are opposed to the celebrated resolutions of 1823. The reverse is the fact; this Colony had anticipated them in practice long before by several legislative enactments; one, in particular, giving slaves the right of trial by jury, and being defended by counsel in all cases; a step beyond the jurisprudence of Great Britain. Also they are desirous of carrying the last resolution into effect, at the earliest period compatible with the well-being of the Slaves, the safety of the Colonies, and the fair and equitable consideration of the interests of private property. But your Committee observe, that the Legislatures can be the only judges of the well-being of the one and the safety of the other, and they must proceed, as they have done, with caution; and, as they have repeatedly expressed themselves at the expiration of each period of the Slave Act, they are prepared to grant such extended benefits as the state of the moral and intellectual improvement of the slaves will allow. The long agitated question of evidence they have granted in the fullest extent, with only one solitary restrictions. See Appendix (C.)

It must be borne in mind, as a positive fact, that the West Indians are not willing holders of slaves, or even colonial territory; every present proprietor would cheerfully abandon the Colony, if he could obtain a very reduced value for the capital which he has embarked, and which is only continued because purchasers cannot be obtained.

As to the African Apprentices they are so few, and without much chance of increase, little need be said—with very few exceptions they are decided outcasts of society, and give a fine practical illustration of how Liberty may be abused by persons unqualified for the acceptance of it.

The Religious Instruction of slaves is slowly progressive, but in due time we hope such an alteration may be made in the slave population, as to qualify them for admission into a higher scale of society. As a proof of the sincerity of the Legislature in promoting this inestimable benefit, they have voted 5,000*l.* sterling for the erection of churches and parsonage houses, of which, above 6,000*l.* currency has been expended, besides charging the colony with an additional perpetual annuity of 2,500*l.* currency, for salaries to rectors, &c. within the last three years; but if the party in England is to poison the minds of the slaves by their baneful misrepresentations, these benefits will have been thrown away.

The Legislature has now pending a Bill for removing the Disabilities from persons of colour. The only restrictions contemplated are, the magistracy, grand jurors, and members of the assembly. The establishment of this Island is comparatively of such recent date, (1763,) that this class of society has but lately risen sufficiently in property and education to use or enjoy the privileges now conceded to them. See Appendix (D).

The Committee are not aware of any alterations required in the department of Civil and Criminal Justice, which the Legislature is not competent to effect for themselves; but they greatly feel the want of learned and independent Judges in Law and Equity, to carry the laws into execution. The Law Courts have now been closed twelve months, waiting an appointment of Judges, to the great injury of all classes.

To sum up the whole, your Committee have clearly ascertained, that the Colonial Produce is overtaxed in all parts of the world; that at present estates are cultivated at a loss to the planter; that all property is depreciated fifty per cent. in value; that the Colonists are assailed by a furious Political Party, bent on their destruction; that the Government hitherto have not given that countenance and support to them which their distant and disjointed situation; their want of political influence to explain their case; their contributions to the taxes, (greater in proportion, and collected with less expense than those paid by any class of His Majesty's subjects,) imperatively require; and that unless a speedy Remedy be found for these evils, the Trade of the West Indies will be annihilated, and their ruin completed.

Dated at the Court-house, Kingstown,
St. Vincent, 27th October 1830.

(signed)

JAS. GRANT, President, *pro. tem.*
J. P. ROSS, Speaker.

Appendix (A.)

A WINDWARD ESTATE of 300 Slaves, with Water Mill, making 300 Hhds. of 15 Cwt. Estimated at £.60,000. sterling value.

	Currency.	Sterling.
Charges for Fish, Lumber and Staves, in cash - - - - -	£. 1,600	
Salaries, Medical Attendance, Agency and Taxes - - - - -	2,070	
Pitch Pine, Lumber, Shingles, Cedar Posts, Hardwood, Flour, Rice, &c. - - - - -	350	
Exchange, £. 240 - - - - -	£. 4,020	1,675
Drogherage, £. 270; Mules and Cattle, £. 100. - - - - -	- - - - -	370
English Invoice - - - - -	- - - - -	1,000
	£.	3,045
Deduct 150 puncheons Rum, at £. 7; and 50 puncheons Molasses, at £. 4 - - - - -	- - - - -	1,250
	£.	1,795
300 hogsheads Sugar, at £. 19. 15. - - - - -	£. 5,925	
Less, Bills drawn on Sugar - - - - -	1,795	
	£. 4,130	
5 per cent. on £. 60,000. is £. 3,000 - - - - -	£.	1,130

A LEEWARD ESTATE, making from 60 to 80. Hhds. of Sugar, valued at £. 12,000. sterling.

	Currency.	Sterling.
Manager's Salary - - - - -	£. 300	
Attorney's ditto - - - - -	100	
Overseer's ditto - - - - -	150	
Medical Attendance - - - - -	40	
Taxes - - - - -	60	
12 hogsheads Fish, at £. 20 - - - - -	£. 240	£. s. d.
4,000 Staves, at £. 30; 5,000 ft Boards, £. 20 - - - - -	220	
Lime, Bricks, and Repairs of Buildings - - - - -	200	
	£. 1,310	530 - -
Invoice, £. 250; Mules and Stock, £. 120 - - - - -	- - - - -	370 - -
Christmas provisions, £. 20; Blacksmith's, £. 20 - - - - -	- - - - -	40 - -
		940 - -
Creditor.		
64 Hhds. of 14 Cwt. at 55 gross, 20 net - - - - -	- - - - -	896 - -
1,260 Gallons Rum, at 2/2 - - - - -	£. 137 10 -	
2,310 ditto Molasses, at 1/6 - - - - -	173 5 -	134 18 2
		1,030 18 2
Balance in favor of Estate - - - - -	£. 90 18 2	
5 per cent. on value, is - - - - -	600 - -	
Loss to Planter - - - - -	£.	509 1 10

Appendix (A.)—continued.

The Net Proceeds of a Leeward Estate for the last Three Years.

			Sterling.		
			£.	s.	d.
1827	-	146 Hogsheads, at 62 s. 4 d.	1,742	-	-
1828	-	169 ditto 58 s. - d.	1,245	-	-
1829	-	161 ditto 51 s. 6 d.	498	-	-
			£.3,485	-	-
Average, One Year			£.1,162	-	-

The appraised Value in 1812 was £ 28,000. at 5 per cent. 1,400

Loss on Vested Capital, per Annum - - £. 238

AN ESTATE in BEGINA, one of the GRENADINES, with 165 Slaves, appraised in 1813.

at £. 24,000.

Charges.

	Currency.	Sterling.
The Average of Three Year's Expenses	£. 2,327	or £. 1,163 10 -
Interest on appraised Value, 5 per cent.	-	1,200 - -
		£. 2,363 10 -

Credits.

138 Hogsheads of Sugar, average 14 cwt. 3 qrs. } at £. 11. 4. 7. - - - - -	£. 1,549 12 6	
56 Puncheons of Rum, at £. 5. - - - - -	280 - -	
49 ditto - - Molasses, at £. 3. 10 10 - - -	171 10 -	
		2,001 2 6
Deficiency - - - - -	£. 362 7 6	

Appendix (B.)

SALES in the UNITED STATES, of a Cargo of 20 Hogsheads 6 Barrels of Sugar, 50 Puncheons of Rum, and 45 Puncheons of Molasses.

	Dollars.
The above produces - - - - -	\$ 7,611 ¹⁸ / ₁₀₀
Charges 5 \$ per cent. on Sugar, 4 s. 8 d. per Gallon on Rum, } 1 s. per Gallon on Molasses - - - - -	4,727 ¹⁸ / ₁₀₀
Net Proceeds - - - - -	\$ 2,883 ¹⁸ / ₁₀₀

Appendix, (C.)

WHEREAS it is expedient for the better and more impartial administration of justice in St. Vincent, that the several Laws now in force regulating the admission of the evidence of Slaves should be revised and other provisions substituted in lieu thereof; We, therefore, your Majesty's most dutiful and loyal subjects, Sir William John Struth, knight, President, commanding in chief for the time being, in and over the Islands of St. Vincent, Bequia and its Dependencies, and the Council and Assembly of the same, pray Your most Excellent Majesty, that it may be Enacted, and be it and it is hereby Enacted by the authority aforesaid, That from and after the publication of this Act, the 66th and 67th Clauses of an Act, intituled, "An Act to repeal an Act, intituled, An Act for making Slaves Real Estate;" and the 1st Clause of an Act, intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact Account of the number of Coloured Free People and number of Negroes within this Government and its Dependencies, and to ameliorate the condition of Slaves, and for other purposes;" and also An Act, intituled, "An Act to alter and amend an Act, intituled, An Act for making Slaves Real Estate;" and the first Clause of an Act, intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact Account of the number of the Coloured Free People and number of Negroes within this Government and its Dependencies, and to ameliorate the condition of the Slaves, and for other purposes," shall be and the same are hereby repealed accordingly. Clause 1.

And be it further Enacted by the authority aforesaid, That no person shall henceforth be rejected as a witness or considered incompetent to give evidence in any court of civil or criminal justice in St. Vincent, by reason of his or her being in a state of Slavery: Provided always, That no Slave shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, nor in any court of criminal justice where his or her owner may be charged with or prosecuted for any offence whatsoever: And provided also, That nothing in this Act contained shall extend to render any Slave competent in the law to give evidence in any case in which such Slave would be incompetent to give evidence if he or she were of free condition. Clause 2.

And be it further Enacted by the authority aforesaid, That in all cases where the evidence of Slaves is required to be given in any court or courts of justice in this Island, a writ of subpoena shall issue under the hand of the Secretary of this Island, or his lawful deputy, and under the seal of the court, in the usual manner, upon the application of any person or persons requiring the testimony of such Slaves, directed to the owner or possessor of such Slave or Slaves, or in his absence, to the person under whose immediate charge such Slave or Slaves may be, requiring him, her or them, under the penalty of Fifty pounds, to bring and produce or cause to be brought and produced in court, such Slave or Slaves for the purposes aforesaid; but before the said Slave or Slaves shall give evidence, the party prosecuting or requiring testimony, shall tender to the proprietor or his or her representative, or pay into court for his or her use, the sum of Twenty shillings per day, for such time as the witness shall be absent from the duty of his master or employer. Clause 3.

And be it further Enacted by the authority aforesaid, That in case any Slave or Slaves shall wilfully or corruptly give false evidence in any trial had under this Act or any other Act, such Slave or Slaves being thereof convicted, shall receive such punishment as the court trying the cause shall think proper to direct. Clause 4.

And be it further Enacted by the authority aforesaid, That this Act shall be in force during the continuance of the said first hereinbefore recited Act, and no longer. Clause 5.

Published, 10th September 1830.

Appendix (D.)

WHEREAS, by various Acts of the legislature certain restraints and disabilities are imposed on the free persons of colour in this Island and its Dependencies, which with certain exceptions it is expedient to remove, We, Your Majesty's most dutiful and loyal subjects, the President, commanding in chief for the time being, and the Council and Assembly of the said Island of St. Vincent and its Dependencies, humbly pray Your most Excellent Majesty, that it may be Enacted, and be it and it is hereby Enacted by the authority aforesaid, That from and after the publication of this Act, all Acts and such parts of Acts as impose any restraints or disabilities whatsoever on the free persons of colour who are natives of this Island and its Dependencies, and subjects of His Majesty, and their descendants shall be, and the same are repealed; save and except that such persons shall not serve as Magistrates, Grand Jurors, or be capable of being elected Members of the House of Assembly.

And whereas the removal of such restraints and disabilities will impose the performance of certain duties on the before-mentioned persons, Be it further Enacted by the authority aforesaid, That all fines and penalties imposed on white persons, for any refusal or neglect, either in the performance of duties or the execution of offices, shall be and the same are hereby extended to the said free persons of colour. Clause 2.

And be it further Enacted, by the authority aforesaid, That nothing in this Act shall extend or be construed to extend to any Caribs, or their descendants remaining in this Island, under the Act passed the 18th day of May 1805. Clause 3.

SLAVE LAWS, WEST INDIES.

RETURNS relating to the Slave Laws of
*Saint Vincent, Dominica, Saint Christopher, Nevis,
Tobago, and the Virgin Islands.*

*Ordered, by The House of Commons, to be Printed,
28 March 1831.*

ESCHEATED SLAVES.

RETURN to an Address of the Honourable The House of Commons,
dated 3 June 1829;—for,

AN ACCOUNT of the final Disposal of the SLAVES ESCHEATED to The
CROWN in the Colonies of the *West Indies*, since 1st January 1821,
and whose Cases have been referred to the Decision of His Majesty's
Government.

Colonial Department, }
February 1831. }

HOWICK.

Ordered, by The House of Commons, to be Printed,
7 February 1831.

SCHEDULE.

No.

- 1.—Copy of a Letter from R. W. Horton, Esq. to Geo. Harrison, Esq.; dated
Downing-street, 31st August 1823; 1 Enclosure - - - - - p. 3
- 2.—Copy of a Letter from R. W. Horton, Esq. to Geo. Harrison, Esq.; dated
Downing-street, 17th January 1825 - - - - - p. 5
- 3.—Extract of a Letter from R. W. Horton, Esq. to Geo. Harrison, Esq.; dated
Downing-street, 30th September 1825 - - - - - p. 6
- 4.—Copy of a Letter from R. W. Horton, Esq. to W. Hill, Esq.; dated Downing-
street, 11th November 1826 - - - - - ibid.
- 5.—Copy of a Letter from R. W. Horton, Esq. to W. Hill, Esq.; dated Downing-
street, 24th March 1827 - - - - - ibid.
- 6.—Copy of a Letter from W. Hill, Esq. to R. W. Hay, Esq.; dated Treasury,
20th February 1828 - - - - - p. 7
- 7.—Copy of a Letter from R. W. Hay, Esq. to W. Hill, Esq.; dated Downing-
street, 5th May 1828 - - - - - p. 8
- 8.—Copy of a Letter from the Hon. J. Stewart to R. W. Hay, Esq.; dated
Treasury, 14th July 1828 - - - - - ibid.
- 9.—Note - - - - - ibid.
- 10.—Copy of a Letter from R. W. Hay, Esq. to the Hon. J. Stewart; dated
Downing-street, 15th December 1828 - - - - - p. 9
- 11.—Extract of a Letter from Horace Twiss, Esq. to the Hon. J. Stewart; dated
Downing-street, 16th August 1830; 1 Enclosure - - - - - ibid.
- 12.—Extract of a Letter from the Hon. J. Stewart to Horace Twiss, Esq.; dated
Treasury, 30th October 1830 - - - - - p. 11
- 13.—Copy of a Letter from Viscount Howick to the Hon. J. Stewart; dated
Downing-street, 9th December 1830; 1 Enclosure - - - - - p. 12
- 14.—Copy of a Letter from the Hon. J. Stewart to Viscount Howick; dated
Treasury, 21st January 1831 - - - - - p. 14
- 15.—Copy of a Circular Despatch from Viscount Howick to the Governors of the
several West India Colonies; dated Downing-street, 24th January 1831 - p. 15

ESCHEATED SLAVES.

AN ACCOUNT of the final Disposal of the SLAVES ESCHEATED to The CROWN in the Colonies of the *West Indies*, since 1st January 1821, and whose Cases have been referred to the Decision of His Majesty's Government.

No. 1.

COPY of a LETTER from *R. W. Horton*, Esq. to *Geo. Harrison*, Esq.; dated Downing-street, 31st August 1823; with one Enclosure.

SIR,

Colonial Office, 31st August, 1823.

THE case of Slaves in the West India Islands escheating to the Crown is of very constant occurrence, and has given rise to a question whether, when they have been placed in that situation, their freedom ought not to be granted to them, instead of their being retained or sold as slaves for the benefit of the Crown, or relinquished to persons by whom they would be kept in a state of bondage. This subject was adverted to in a communication from this Department to the Treasury in November 1819, in consequence of an application from the Governor of Dominica for instructions upon this point; and this application has lately been renewed; a reference upon the subject has in consequence been made to the Law Officer of this Department, a copy of whose Report is herewith transmitted; and I am directed to request you will bring the same under the consideration of the Lords Commissioners of the Treasury, in order that Lord Bathurst may be informed, previously to his making any general communication, as is therein proposed, to the Governors of the several West India Colonies, whether their Lordships concur in the suggestions offered at the conclusion of the Report, and particularly those that may lead to expense which can only be defrayed under their Lordships authority, and whether they deem it expedient to propose any regulations upon this point.

I am, &c.

(signed) *R. W. Horton*.

Sir,

30th May 1823.

IN obedience to your directions I have perused a despatch addressed by Governor Maxwell to Lord Bathurst, dated at St. Christopher's, 5th Feb. 1823, requesting directions how he is to act in the event of slaves becoming escheated to the Crown within his government; and I have also perused the written statement transmitted to me with that despatch, in which the question is discussed as to the manner in which escheated slaves are to be disposed of, in case it should be deemed right to grant to such persons their liberty: and I am, as I understand, to express the opinion I have formed as to the manner in which such persons can most properly be disposed of, under the existing laws of Great Britain and of the West India Islands.

The case of slaves escheating to the Crown is of very frequent occurrence in the West India Islands, because the great body of the free coloured population being

30 May 1823.

being illegitimate, if any such person dies intestate, and without children born in marriage, the slaves of which he or she may have been seised will of course escheat. The necessity of some general rule on this subject is therefore apparent.

I do not presume so far to deviate from my professional province as to refer to any of those general political considerations which might be urged in favour of the enfranchisement of this class of persons. I have however to state, that this mode of dealing with them would be the most consonant to the practice and spirit of the Law of England. In this country the Crown very rarely retains property acquired by escheat for want of heirs, where the party, who but for the illegitimacy of the deceased person, would have been the heir, makes application for a grant of it. In other words, the title founded on natural equity and justice is in such cases preferred to that which is founded merely upon positive law. Now in applying this principle to the case of escheated slaves, the inquiry obviously is, what person, upon the principles of natural justice, has the strongest claim to consideration. The competitors are, on the one hand, the slave himself asking his own freedom, and on the other hand, the party, who but for the illegitimacy of the deceased intestate, would have been heir, seeking to retain him in bondage. If these contending pretensions are referred to the principles of natural justice, there cannot, as it seems to me, be any hesitation in giving the preference to that of the slave himself. In confirmation of the same conclusion, it may be observed, that by the civil law slaves forfeited to the Emperor, became entitled to freedom,—a maxim adopted with the express view of favouring liberty. If it should be adopted as a general rule that slaves escheated to the Crown are to be manumitted, it is obvious that the Crown might qualify the gift of freedom by any restrictions which the welfare of the slave himself, or the safety of society, or a fair consideration for the interest of the disappointed claimant, might require. The practical question to be considered then is, what restrictions could be most prudently and effectually enforced?

First.—Among escheated slaves there will occasionally be found persons wholly and permanently incapable, either from age or chronical diseases, of providing for their own support. To such persons, freedom, though a nominal boon, would be a real calamity, unless some means were found for supplying that maintenance which, as long as they continued in a servile condition, the master would have been bound to provide. Persons in this state of infirmity or sickness must, I conceive, when they devolve to the Crown, be regarded as a sort of *damnosa hæreditas*, an inheritance, however, which it is impossible to repudiate, and which therefore, however burdensome, must unavoidably become a charge on the public revenue. There will be no competition of any private claimant in any case of this nature.

Secondly.—Other slaves will escheat to the Crown in a state of infancy, or at an age so early as to postpone for several years the time when they can properly earn their own subsistence. During their very early years, such persons must also become a burthen on the State; but it should seem easy to replace the money expended on their support during infancy, by requiring them, as soon as they may become capable of labour, to work for some definite time upon any public buildings or other undertakings of that nature; if indeed it would not be in reality a more beneficial course for all parties to direct such children to be apprenticed to some trade by which they might afterwards earn their own living.

Thirdly.—Among escheated slaves some might be found of habits so depraved and vicious as to render the continued coercion of a master essential both to their own welfare and to the peace of society. Others again might be in a state of such entire ignorance as to be utterly unable to use their liberty for their own real advantage. I should conceive that, with reference to both of these descriptions of persons, it might not be inexpedient to retain them in the possession of the Crown as slaves, postponing their enfranchisement until the vicious habits in the one case, or the ignorance in the other, were removed. It is obvious that to this end means ought to be provided at the public expense for their reformation and instruction.

Fourthly.—Among the slaves escheating to the Crown will be found many persons not included within any of the preceding classes; that is to say, persons neither too old nor too young for labour, free from chronical diseases, exempt from immoral habits, and possessing sufficient knowledge to enable them to earn their

their own subsistence. This class of persons may be expected to be numerous, and they are precisely the persons for a grant of whom the natural kindred of the deceased would make application. They might be enfranchised at once without any prejudice to themselves or to society; and the only question respecting them is, whether in such cases any compensation should be made to the disappointed claimant. With reference to that question, I have to observe that four different modes may be suggested of making that compensation. First, the enfranchised slave might be required, as the price of his manumission, to pay to the claimant some fixed sum of money, to be saved out of his future earnings: or, secondly, the manumission might be delayed for a certain number of years, the claimant during the interval being entitled to the labour of the slave: or, thirdly, the slave might be emancipated at once, but apprenticed for a term of years to the party petitioning: or, finally, the Crown might pay to the disappointed claimant a sum equal to one third or one fourth of the appraised value of the slave. Which then of these modes of compensation is to be preferred?

In answering that question, I would observe, first, that to leave the slave to work out a sum of money as the price of his freedom would probably be to give him liberty in name but not in fact, since in the great majority of cases, his daily earnings would not be more than sufficient to purchase his daily bread: and, secondly, that to postpone the gift of freedom for any number of years, would not only be a bad preparative for liberty, but would probably have the effect of setting the slave free at that precise period of life when he would be least able to make provision for himself and his family: and, thirdly, that to apprentice persons in this condition, would, as experience has amply proved, be to recur to a system leading to every species of abuse and inconvenience: and, fourthly, that to call on the Crown to pay out of the public revenue a compensation to the disappointed claimant, would be nothing else than to convert into a loss and prejudice a prerogative which is properly a source of advantage and gain.

For these reasons, it appears to me that there is no mode of compensating the disappointed claimant which is not open to great objection. The proper solution of the difficulty therefore seems to be, that it should be made known distinctly throughout the colonies, that the Crown will not in future make any grant of escheated property of this nature. If after such a notice persons permit their slaves to escheat, no one can reasonably complain if a grant of such slaves is refused without compensation.

To sum up, therefore, the whole of the preceding remarks, I should suggest to you, for Lord Bathurst's consideration, the propriety of communicating to the governors of the several West Indian colonies, that in future no grants will be made of escheated slaves; but that all such persons will be emancipated, with the exception, first, of the aged; secondly, of the incurably diseased; thirdly, of the profligate; and, fourthly, of those whose ignorance is such as to prevent their earning their own subsistence. With regard to the two latter classes, I have to suggest that the governors should be instructed to take the best means for their amendment and instruction, and to emancipate them when those means shall have proved effectual. With regard to escheated infant slaves, I think that they should be apprenticed to trades by which they may earn their own living.

Finally, I am of opinion that there is no law in force in * any of His Majesty's colonies which could prevent the Crown from acting upon these suggestions, if it should be deemed expedient to adopt them.

* *Note.* The law of Jamaica affords the single exception of which I am aware. J. S.

I have the honour to be, &c. &c.

(signed)

Ja' Stephen, jun.

No. 2.

COPY of a LETTER from *R. W. Horton, Esq.* to *Geo. Harrison, Esq.*;
dated Downing-street, 17th January 1825.

Sir,

Downing-street, 17th January 1825.

I AM directed to refer you to my letter of the 31st of August 1823, adverting to a communication made on the 3d of November 1819, and enclosing a Report of
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the counsel of this Department on the subject of the disposal of slaves escheating to the Crown in His Majesty's colonies in the West Indies. I beg again to call your attention to the request which I was then directed to convey, that the opinion of the Lords Commissioners of the Treasury upon the measures suggested in the Report might be made known to Lord Bathurst, previously to the issue by his Lordship of a general instruction on the subject to the governors of the West India colonies.

I have, &c.

(signed) *R. W. Horton*

No. 3.

EXTRACT of a LETTER from *R. W. Horton*, Esq. to *G. Harrison*, Esq. dated Downing-street, 30th September 1825.

" WITH respect to the slaves who form part of this escheat, I am directed to refer you to my letter of the 17th January last, to which no reply has been received, and in which I had the honour of calling your attention to two unanswered communications of the 31st of August 1823, and of the 3d of November 1819, and of repeating a request that Lord Bathurst might be favoured with the opinion of the Lords Commissioners of the Treasury on certain suggestions relative to the disposal of slaves escheating to the Crown."

No. 4.

COPY of a LETTER from *R. W. Horton*, Esq. to *W. Hill*, Esq. dated Downing-street, 11th November 1826.

Sir,

Downing-street, 11th November 1826.

* Note. This is an error for 31st August 1823.

WITH reference to my letter of the 17th January 1825, I am directed by Lord Bathurst again to refer you to my communication of the *3rd of November 1819, enclosing a Report of the counsel of this Department on the subject of slaves escheating to the Crown. I now enclose to you for the information of the Lords Commissioners of the Treasury, an extract from the Report of the Legal Commissioners who have visited his Majesty's colonies in the West Indies, by which it appears that escheated slaves continue to be sold on behalf of the Crown, a practice from which it is Lord Bathurst's opinion that the officers of the Crown should be directed immediately to desist.

I have, &c.

(signed) *R. W. Horton.*

No. 5.

COPY of a LETTER from *R. W. Horton*, Esq. to *W. Hill*, Esq.; dated Downing-street, 24th March 1827.

Sir,

Downing-street, 24th March 1827.

* Note. This is an error for 31st August 1823.

WITH reference to my letters of the 17th January 1825, and the 11th of November last, I am directed by Lord Bathurst again to refer you to the communication from this Department of the 3d of November 1819*, enclosing a report of the counsel for this Department on the subject of slaves escheating to the Crown. I now transmit to you for the consideration of the Lords Commissioners of the Treasury, the enclosed copy of a despatch from the Governor of Barbadoes, forwarding a petition from Mrs. E. R. Molton, and others, praying to be allowed possession of a female slave who has escheated to the Crown.

I have, &c.

(signed) *R. W. Horton.*

No. 6.

COPY of a LETTER from *W. Hill*, Esq. to *R. W. Hay*, Esq.;
dated, Treasury, 20th February 1828.

Sir,

Treasury Chambers, 20th February 1828.

I HAVE it in command from the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of Mr. Secretary Huskisson, that my Lords have had under their consideration the several letters from the Secretary of State of the 3d November 1819, 31st August 1823, 17th January 1825, 11th November 1826, and 24th March 1827, in regard to the manner of disposing of slaves, which have or which may hereafter escheat to the Crown. The tendency of the recommendation of the Secretary of State is, that slaves so escheated should not be sold by the Crown, or regranted as slaves to any persons whatever. Should that course be finally adopted, it will be necessary to prepare some plan either for their manumission, or for their management or employment by the Crown, and for the care and support of those who from being infants, aged, or infirm, may be incapable of assisting themselves. With respect to the sale of slaves, my Lords would feel no difficulty whatever in prohibiting the practice in all cases where the sale is intended for the benefit of the Crown, and where no equitable claims for the grant of the slaves, or for their value, may be made; but my Lords feel great difficulty in coming to the general determination that no slaves who may escheat to the Crown should be granted to any persons whatever.

It has hitherto been the invariable practice of the Crown to treat escheated property in the West Indies, whether of lands, personalty or leases, in the same manner as personal property and land escheating to the Crown in the United Kingdom is treated. In all which cases, applications from natural relations, or other parties having equitable claim to such property, are received and considered; and it has been usual to grant such property among these equitable claimants: those claims in the case of personalty are investigated by the King's advocate, and in the case of real property, by the attorney and solicitor general; and the same rules are usually applied to the distribution and grants, as in cases of intestates, where there are lawful relations who can legally claim.

In consequence of the Act of the 1st of Anne, doubts were some years ago entertained whether the Crown could in cases of freehold property, grant more than a lease of the premises for a term of years, either to the discoverer of the Crown's rights, or to persons, who from natural relationship or otherwise, had equitable claims upon the property; but an Act was passed in the 59th Geo. 3, c. 94, authorizing the Crown to grant such escheated property in perpetuity, should it seem fit to do so; and in fact the Crown has in the great majority of cases which have occurred considered itself as a trustee, and has granted such escheated property to persons having equitable claims, reserving in general but little more than necessary to pay the actual expenses of the proceedings; and my Lords cannot but fear that any departure, in regard to slaves, from this general practice, would inflict a great and undeserved hardship upon many persons having equitable claims to the property. A decision, however, upon the general principles is now become necessary, because an application is now before this Board for the grant of property which several years ago was forfeited to the Crown in the island of Grenada. This property was vested in the Crown by Act of Attainder passed in the island in the year 1795, and has ever since been managed by an agent appointed by the Crown, the slaves upon the property having been continued as slaves belonging to the Crown, and worked and managed in the same manner as slaves upon private estates. In the year 1823, this Board, upon the advice of the then attorney and solicitor general, gave up to the heirs of the proprietors of the estate who were attainted in 1795, one moiety of the net profits accruing from the cultivation of those estates; and since that time further documents and circumstances have been produced, upon which the attorney and solicitor general, Sir James Scarlett, and Sir N. C. Tindall, have advised that the whole property, consisting of three estates, and nearly 300 negroes, should be granted to the heirs.

My Lords would therefore request Mr. Secretary Huskisson to reconsider this subject, and to favour my Lords with his opinion, whether it would not be most just and equitable to continue the course with respect to property (including slaves) escheating to the Crown in the West Indies, which has been in practice there as well as in the United Kingdom, namely, that the Crown should continue to dispose of property so escheating to the persons having equitable claims thereto, requiring, however, in the case of slaves, certificates from the governor of the islands of the general good character of the applicants.

I am, &c.

(signed) *W. Hill.*

No. 7.

COPY of a LETTER from *R. W. Hay*, Esq. to *W. Hill*, Esq.;
dated Downing-street, 5th May 1828.

Sir,

Downing-street, 5th May 1828.

I AM directed by Mr. Secretary Huskisson to convey to you, for the information of the Lords Commissioners of His Majesty's Treasury, in reply to your letter of the 20th of February last, Mr. Huskisson's opinion that the escheated property in Grenada therein adverted to should be virtually restored to the equitable claimants, by granting a lease to them at a peppercorn rent, subject to the necessity of producing at certain periods returns of the number of slaves, and other proofs of good management.

I have, &c.

(signed) *R. W. Hay.*

No. 8.

COPY of a LETTER from the Hon. *J. Stewart* to *R. W. Hay*, Esq.;
dated Treasury, 14th July 1828.

Sir,

Treasury Chambers, 14th July 1828.

I HAVE laid before the Lords Commissioners of His Majesty's Treasury your letter of the 5th May last, in reply to the letter of this Board of the 20th February last, stating the opinion of the Secretary of State, that the escheated property in Grenada therein adverted to should be virtually restored to the equitable claimants by granting to them a lease at a peppercorn rent, subject to the necessity of producing returns of the number of slaves, and other proofs of good management; and I am commanded by their Lordships to request you will move Secretary Sir George Murray to cause my Lords to be informed more particularly as to what proofs of good management in his opinion it would be proper to call upon the parties to produce.

I am, &c.

(signed) *J. Stewart.*

No. 9.

NOTE.

Between the above letter and the following answer to it, some oral communication took place between the Colonial Office and the Treasury, the substance of which will be readily gathered from the answer.

No. 10.

COPY of a LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*;
dated Downing-street, 15th December 1828.

Sir,

Downing-street, 15th December 1828.

I AM directed by Secretary Sir George Murray to acquaint you that he has had under his consideration the subject of your letter of the 14th July last; and he is willing to acquiesce in the opinion which he understands to be entertained by the Lords Commissioners of the Treasury, that on restitution of the escheated property in Grenada to the families of Clozier and Passée, humane treatment to the slaves should be provided for, by making the grant in the manner of a lease for 999 years, at a peppercorn rent, subject to forfeiture, at the will and discretion of their Lordships, in case of proof, to their satisfaction, of ill-treatment of any of the slaves, and subject to such conditions in respect of the treatment of or period of work imposed upon the slaves, as the Lords of the Treasury may at any time direct.

I have, &c.

(signed) *R. W. Hay.*

No. 11.

EXTRACT of a LETTER from *Horace Twiss*, Esq. to the Hon. *J. K. Stewart*;
dated Downing-street, 16th August 1830.

I AM directed to acquaint you, in reference to my three letters of the 11th, 12th and 13th of this month*, that Sir G. Murray feels it his duty, at the same time that he transmits for the consideration of the Lords Commissioners of the Treasury the documents contained in those letters, to recal their Lordships attention to the correspondence on the general subject of the disposal of escheated slaves, which has taken place between their Lordships department and that over which he presides.

On a review of the correspondence in question (which is enumerated in the margin), their Lordships will perceive that so early as the year 1819, Lord Bathurst, then secretary of state, addressed their Lordships on this subject; and that in August 1823 he furnished them with a report on it, drawn up by the counsel for this department; and he intimated at the same time, that he only awaited their Lordships concurrence to issue instructions to the several governors of his Majesty's West India possessions, in conformity with the opinions set forth in that Report. The general effect of these opinions was, that slaves escheating to the Crown ought not to be sold or granted, or in any manner continued in slavery, by the act of the Crown. Their Lordships concurrence was not however signified, and no instructions were issued. It will appear that this Department recalled the subject to their Lordships notice on various occasions; viz. at the dates noted in the margin, and finally in a letter written by Mr. Huskisson's direction on the 29th April 1828, which was answered by Mr. Stewart on the 20th May following.

The special case which gave rise to Mr. Horton's letter of 24th March 1827, was that of a large property in Grenada, comprising a numerous gang of slaves. The property had escheated many years ago, and the slaves had continued on the plantation in the possession of the Crown, and had been employed to cultivate it under the superintendence of an agent of the Government. It was their Lordships opinion that the property should be granted to the natural heirs of those by whom it had been forfeited; and in this case having regard to the peculiar circumstances, and to the multitude of slaves who would have been manumitted at once if another course had been pursued, the then secretary of state signified his acquiescence in their Lordships opinion, that the property, inclusive of slaves, should be granted to the equitable claimants, subject to resumption by the Crown should ill usage of the slaves be proved.

* These were references to the Treasury of special applications for Escheated Slaves by equitable claimants of Intestate Estates.

Mr. Goulburn to Mr. Harrison, 3 Nov. 1819.
Mr. Horton to Mr. Harrison, 31 August 1823.
D^o - d^o 17 Jan. 1825.
D^o - d^o 30 Sept. 1825.
Mr. Horton to Mr. Hill, 11 Nov. 1826.
D^o 24 March 1827.
Mr. Hill to Mr. Hay, 20 Feb. 1828.
Mr. Hay to Mr. Hill, 29 Apr. 1828.
Mr. Stewart to Mr. Hay, 14 July 1828.
Mr. Twiss to Mr. Stewart, 15 May 1829.
17 January 1825.
30 September 1825.
11 November 1826.
24 March 1827.

The Secretary of State, however, whilst he assented to the grant of the slave in this particular case, expressly reserved his opinion upon the general question. After Sir G. Murray came into office, some further communication took place; but the subject has been hitherto left on the part of their Lordships as it stood in Mr. Hill's letter of the 20th February 1828, by which it appeared that their Lordships were willing to forbid the sale of escheated slaves for the advantage of the Crown, but felt some difficulty in refusing the grant of such slaves to equitable claimants. The conflicting claims of the slaves to their freedom, and of the equitable claimants to a property in the slaves, were compared in a memorandum which was communicated by direction of Sir George Murray to their Lordships office, and of which a copy is enclosed, as well as in the Report to the counsel to this department already adverted to, which was adopted and communicated to their Lordships in 1823 by direction of Earl Bathurst. This, therefore, appears to be the point on which their Lordships and this Department have not altogether concurred in opinion, although it does not appear by Mr. Hill's letter of the 20th February 1828, that their Lordships have decidedly adopted an opinion contrary to that which has been maintained by this department.

I have been directed thus to resume the previous correspondence on this subject, for the purpose of showing that this Department has not been hitherto generally responsible for the course which has been taken in the sale and grant of escheated slaves; and I am to request you to state to their Lordships, that unless Sir G. Murray could see reasons which have not yet been suggested to him for dissenting from the opinion which Lord Bathurst adopted, and from which there has been no subsequent departure, Sir George Murray would not think himself justified in assuming a responsibility which has not hitherto attached to this Department."

The MEMORANDUM enclosed in the foregoing Letter.

THE Treasury, it appears, are willing to manumit slaves escheating to the Crown in cases in which there are no equitable claimants of the property in those slaves; but when there are such claimants—claimants who in any other cases of escheat would have received from the Crown a grant of the property, they appear to think that it would not be just to deny a grant of the slaves.

The cases in which equitable claims do not exist to escheated property are so few, that the measure of the Treasury would go but a little way.

The justice of the case is a difficult question, and one which touches the first principles upon which slavery questions are usually argued.

It is usual to contend, on the part of the slaves, for the natural right of man to freedom, and, on the part of the owners, for the inviolability of the rights of property. In the present case, whatever there is in the former argument remains, but a good deal is lost to the latter; because the right here, if a right, is only that sort of qualified right which is called an equitable claim.

Where there is no absolute right, and no paramount obligation resulting from a principle, the Government are free to revert to considerations of general expediency.

The benefit attendant upon the grant of the property is the prevention of the hardship which the grantee would have suffered by deprivation of the succession upon which he had more or less built his expectations. But it is not necessary to suppose that expectations of this kind are in all cases very confidently entertained. They are liable to be disappointed by the extravagance or caprice of a testator, by his consuming or diverting the inheritance, as well as by the forfeiture resulting from intestacy, or from other grounds of escheat. The sort of benefit attendant on the grant may therefore be fairly stated to be the relief of one or more individuals from the consequences of an unfortunate casualty.

The benefit attendant upon denying the grant is the manumission of the slaves. What this benefit amounts to depends a good deal upon the class of owners to whom the slaves, if granted, would generally fall. As far as my experience goes, the petitioners for grants of escheated slaves have been low, coloured people, relatives of persons in the same class, who, as they often cohabit without marriage,

riage, and are too ignorant or careless to make wills, happen more frequently than others to leave their property escheatable to the Crown. Persons in that low condition of life make notoriously the most oppressive masters of slaves. It is natural that this should be the case; and it has been observed to be the case with regard to ancient slavery as well as modern, "*quod ex dignitate domini minus turpis est conditio servi.*"

These coloured people are also the class who would be the least injured by barring their succession to a property in slaves; since their position in life would make it no great hardship to gain their own subsistence. The certificate of the Governor to the humane character of the parties (which the Treasury propose to make a condition of the grant) would be no security. The Governor could have no personal knowledge of persons in this class; and in truth a certificate to character, very respectably signed, may generally be had by any man who is not in the habit of defying public opinion: there is nothing so loosely given. I think, therefore, that in general, and upon the whole, the benefit which the Government would confer by releasing escheated slaves from the bitter servitude in question, would be greater than the hardship which this release might impose upon the expectants of the property.

The particular case to which the Treasury advert of the 300 slaves in Grenada appears to be an anomalous case, of which there may probably be no second example. These slaves belong to estates which escheated in 1795 by virtue of an act of attainder, and which it is now proposed to restore to the heirs of the person who was attainted; from the time of the attainder to the present time the estates have been worked by the slaves under the management of an agent for the Crown.

I should be against the manumission of these slaves; not however from considerations of what is due in justice to the equitable claimants; for (considering the general principle of holding inviolate the rights of property to be untouched in the question) I apprehend there is nothing in the justice of the case as regards the interests of the two or three equitable claimants, which could overrule the justice of the case as regards the interest of the 300 slaves; but I should doubt whether it is expedient that slaves should be manumitted by gangs of 300. The objection might be obviated, indeed, if a plan were devised for training them into a tenantry; but the Government are generally averse from such plans, as being practically difficult of execution.

If the estates were given up as proposed by the Treasury, there is no reason to suppose that the slaves would be worse off than other plantation slaves in the island, but they would probably be worse off than they have been. Slaves worked for the profit of the Crown are not likely to be so hard worked as when they are worked for the profit of an individual. Twelve hours and a half for the six months out of crop, and fourteen hours for the six months in crop, is the general rate of slave-labour on plantations; but this is a rate of labour which it would scarcely be desired to enforce for the benefit of the Crown. I think, therefore, that if the Crown shall give up the property, it would be better to give it up virtually only, by paying over the net profits of the plantations, but to retain the plantations in the possession and under the management of the Crown. It appears that half the annual net profits have been given up and paid over in this way since 1823.

The Crown, by giving up these plantations, would give up the power of enforcing, to a certain extent, those regulations for ameliorating the condition of the slaves which the King's Government have declared to be necessary upon all plantations.

No. 12.

EXTRACT of a LETTER from the Hon. *J. Stewart* to *Horace Twiss*, Esq.;
dated Treasury Chambers, 30th October 1830.

"I AM commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of Secretary Sir George Murray, that my Lords

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have

have had under their careful consideration your letter of the 16th August last, respecting the mode of disposing of slaves escheated to the Crown; and my Lords consider from your said letter, that Sir George Murray concurs generally in the suggestions transmitted to this Board by desire of Secretary the Earl Bathurst in 1823, which were contained in the Report of the Counsel to the Colonial Department, and also in the observations contained in the Memorandum respecting escheated slaves, enclosed in your said letter.

"In a letter addressed from this Board to Mr. Hay, on the 20th February 1828, my Lords expressed the difficulty which they entertained in adopting the suggestions of the counsel to the Colonial Office; and my Lords have not been made acquainted with the opinion of the Secretary of State since the 29th April 1828, when Mr. Hay, in his letter of that date, stated, by Mr. Secretary Huskisson's desire, that he reserved 'for a future communication the expression of his opinion as to the manner in which escheated slaves should be disposed of when there were equitable claimants to the property in them.'

"If, however, Sir George Murray is now prepared to propose any specific regulations for disposing of such slaves escheated to the Crown, whether they be slaves employed in agriculture, and attached to escheated property, or slaves employed in domestic occupations, or otherwise; whether they be old and infirm, or young and incapable of providing for themselves, or whether they be of bad character, and unfit for freedom, my Lords will give careful and immediate consideration to any regulation which Sir George Murray may propose for that purpose."

No. 13.

COPY of a LETTER from *Viscount Howick* to the Hon. *J. Stewart*;
dated Downing-street, 9th December 1830. One Enclosure.

Sir,

Downing-street, 9th December 1830.

I AM directed by Viscount Goderich to acknowledge the receipt of your letter of the 30th October, addressed to Mr. Twiss, in which you acquaint him, by direction of the Lords Commissioners of the Treasury, for the information of Sir George Murray, that, "if he is now prepared to propose any specific regulations for disposing of slaves escheated to the Crown, whether they be slaves employed in agriculture and attached to escheated property, or slaves employed in domestic occupations, or otherwise, whether they be old and infirm, or young and incapable of providing for themselves, or whether they be of bad character and unfit for freedom, My Lords will give careful and immediate consideration to any regulation which Sir George Murray may propose for that purpose." And I am to inform you in reply, that Viscount Goderich is prepared to recommend to their Lordships, that slaves hereafter escheating to the Crown, or having escheated, and being still in its possession, should be dealt with in the same manner as slaves who become forfeited to the Crown under the Abolition Act. Slaves of the various classes mentioned by you are liable to forfeiture for violations of that Act, as well as to forfeiture by escheat; and the majority of those slaves being Africans, are presumably of a less manageable description than the escheated slaves, who will be for the most part Creoles. The regulations under which Sir George Murray directed the liberation of slaves forfeited under the Abolition Act are fully set forth in the circular despatch from him to the governors of several West India colonies, a copy of which was transmitted to you in Mr. Twiss's letter of 6th April last. The reports which have been received from the colonies in which the forfeited slaves have been liberated under these regulations, show that no inconvenience has been found to result to those colonies from this measure, whilst the Crown has been relieved from a heavy annual charge for their maintenance by the collectors of the customs. A much smaller sum than that which has thus been saved will suffice in future to provide for the support of those who, being infant orphans, or aged or infirm, may be incapable of maintaining themselves; and for the religious instruction which their Lordships may think fit to afford to those in Tortola and the Bahamas who, being in large numbers, have been located on Crown-lands there. In these colonies the escheated slaves might be

16th October 1828.
Note: A Copy of it follows.

be added, if it were found necessary, to the settlements of liberated Africans; in Trinidad, they might be added to that of disbanded black soldiers; and in British Guiana, they might follow the destination of the Winkel Negroes, if those people should be located, as has been proposed. Lord Goderich would not however suggest the location of escheated slaves without their own consent, unless in the event, which he does not anticipate, of any able-bodied escheated slaves being unable otherwise to support themselves.

Lord Goderich would further observe, that in giving this sketch of the manner in which he thinks escheated slaves should be disposed of, he is quite prepared to modify the details of the proposed plan in any manner their Lordships may be pleased to suggest; but he thinks it of the utmost importance that they should sanction without delay the general principle contended for by this Department, that of liberating escheated slaves.

I have, &c.

(signed) HOWICK.

CIRCULAR DESPATCH to which reference is made in the foregoing Letter.

Sir,

Downing-street, 16th October 1828.

THE Reports of the successive Commissioners appointed to inquire into the condition of apprenticed Africans in the West India Islands, have engaged the careful attention of His Majesty's Government, although from circumstances, which it is unnecessary to particularize, my predecessors in office were prevented from signifying to you the determination which has been adopted on this subject.

All the successive Commissioners are agreed in the opinion that the apprenticed Africans would not in general, except by direct compulsion, be induced to quit the colonies in which they had been serving their apprenticeships, and that the use of any compulsory measure for that purpose would be attended with extreme distress to the parties more immediately affected by it. Respecting the advantage which would accrue to the colonies from which such removals might be made, the Commissioners are not agreed. But all, except one, of the six gentlemen who were successively employed in this inquiry, deem it better that the apprentices should remain in the colonies which they at present inhabit.

Adverting to the various facts and arguments adduced on either side of this discussion, I am to issue for the guidance of yourself and the officers of customs within your government, the following instructions:

First, that you will direct the chief officer of customs of the island of forthwith to transmit to you a list of all persons within the island who have been apprenticed under the Acts for the abolition of the slave trade, distinguishing African and Creole apprentices from each other, and further distinguishing which of the apprentices have served out the whole term of their indentures, and what period remains to be served by each of those whose apprenticeship is yet unexpired.

You will further call upon the chief officer of customs for a list of all captured Africans or Creoles remaining in his custody, for whom it has not been practicable to find masters, and who have been apprenticed to himself under the order in council of the 19th July 1825, distinguishing especially such as may be employed in his own domestic service, and further distinguishing which of them are capable of earning their own subsistence.

You will cause a general muster, and personal inspection to be made in your own presence, of all the apprenticed Africans, negroes and persons of colour, whose term of apprenticeship has expired, and of all persons apprenticed to the chief officer of customs under the order in council of the 19th July 1825. In all cases where the terms of apprenticeship have expired, and in all other cases where any of those persons shall have been reported by the custom-house officers, or shall appear to yourself to be capable of earning their own subsistence, you will proceed to grant to each of them, a certificate under your own hand and

seal, of the fact that they have become entitled to freedom under the Acts for the abolition of the slave trade, and you will cancel the indentures to the chief officer of customs entered into under the order of the 19th July 1825. You will further apprise them that thenceforward they will be permitted to live in the colony precisely on the same conditions as any other free persons of African birth and descent, subject only to the following exception :

The 31st section of the statute 5th Geo. IV. c. 113, having authorized His Majesty in Council to make all necessary regulations for the disposal of apprentices after the indentures have expired or been cancelled, so as to prevent their becoming chargeable to the colony in which they have been bound apprentices, you will apprise these persons that His Majesty will not exercise the powers thus intrusted to him by Parliament, so long as their own continued good conduct may render it unnecessary to resort to any measures of coercion. But they must at the same time be given distinctly to understand, that if within the period of seven years, any of their number should be convicted of theft, or any other offence against the peace of society, or should be found seeking a subsistence as a common beggar or vagrant, or should become chargeable upon any parochial or public rates, except in cases of sickness or other inevitable accident, measures will be adopted for the removal of any such offender, pauper, or vagrant from the colony in which he is at present settled, to some other part of His Majesty's dominions, where he will be constrained to labour for his subsistence.

A similar certificate of liberty, accompanied with a similar admonition as to the consequences of possible misconduct, must be given to every condemned negro who shall hereafter serve out the time of his apprenticeship, or who, not being apprenticed, shall be reported to you by the officers of customs as being capable of earning his own subsistence.

Whenever any person shall hereafter be condemned to the Crown under the Acts for the abolition of the slave trade, the officers of customs must, before such person is apprenticed, report to you whether he is capable of earning his own subsistence ; and no person must hereafter be apprenticed until you are satisfied of his incapacity for maintaining himself by his own free labour.

You will adopt such measures as may appear to you best calculated for ascertaining at stated intervals the actual condition of these persons, and especially whether they really betake themselves to industrious pursuits, or become burthensome to society as convicts, vagrants or paupers. If experience shall show the necessity of subjecting any of them to positive coercion in order to prevent their becoming burthensome to society, His Majesty's Government will not hesitate to adopt the necessary measures for that purpose, and will either place such persons under a superintendent, armed with necessary powers for their government, in the colony in which they reside, or will authorize their removal to Trinidad, where an establishment of this nature is already in existence. Until the experiment has been fairly tried, it is not deemed right that these persons should be subjected to the distress attendant upon an abrupt removal from the colony in which they have been so long settled ; nor on the other hand, is it fit that the public revenue should any longer be subjected to the very serious burthen of maintaining a large body of persons, many of whom, as there seems every reason to suppose, are perfectly competent to provide for their own maintenance.

I have, &c.

(signed) *G. Murray.*

No. 14.

COPY of a LETTER from the Hon. *J. Stewart* to Viscount *Howick*, dated Treasury, 21st January 1831.

My Lord,

Treasury Chambers, 21st January 1831.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your letter of the 9th December last, in reply to one from this Board, on the subject of disposing of slaves escheated to the Crown, I have it in command to acquaint your Lordship, for the information of Viscount Goderich, that my Lords have

have fully considered his recommendation for the disposal of all slaves escheated to the Crown, and they concur generally in the views which his Lordship has expressed on that subject, viz. that slaves escheated to the Crown ought to be dealt with in the same manner as slaves forfeited to the Crown under the Slave Abolition Act, as set forth in the Circular Letter from his Lordship's Department, addressed to the Governors of the several West India Colonies, on the 16th October 1828, respecting slaves condemned to the Crown, referred to in Mr. Twiss's Letter of the 6th April 1830. A consideration of the equitable claims of parties to the grant of escheated slaves, has formed an impediment to any general arrangement for granting freedom to escheated slaves, but under all the circumstances my Lords are of opinion that the claim of the slave to receive his freedom from the King, after having become legally the property of the Crown, is superior to the equitable claim of any party to a grant of the slave, by the admission of which he would be retained in slavery.

I am, &c.

(signed) *J. Stewart.*

No. 15.

COPY of a CIRCULAR DESPATCH from Viscount Howick to the Governors of all the West India Colonies, except Jamaica.

Sir,

Downing-street, 24th Jan. 1831.

I ENCLOSE for your information Copies of a Correspondence which has taken place between this Department and that of the Lords Commissioners of the Treasury on the subject of slaves escheating to the Crown. In conformity with the decision which you will perceive to have been taken by His Majesty's Government, you will cause any slaves who may now be in the possession of the Escheator General for the colony under your government, or of any other person holding them for the Crown as escheated property, or any slaves who may hereafter escheat to the Crown, to be forthwith liberated, and dealt with in the same manner as the captured Africans whose liberation was directed in Sir George Murray's Circular Despatch of the 16th October 1828.

I have, &c.

(signed) *Goderich.*

ESCHEATED SLAVES.

RETURN to an Address of the Honorable The House of Commons, dated 3 June 1829;—for,

AN ACCOUNT

Of the final Disposal of the SLAVES ESCHEATED to The Crown in the Colonies of the *West Indies*, since 1st January 1821, and whose Cases have been referred to the Decision of His Majesty's Government.

Ordered, by The House of Commons, to be Printed,
7 February 1831.

SLAVE MANUMISSIONS, JAMAICA.

RETURN to an Address to HIS MAJESTY, dated 14 February 1831;—for,

RETURNS of all MANUMISSIONS, between the period commencing with the first Registration of SLAVES in 1817 to 28 June 1826; distinguishing gratuitous Manumissions from such as are paid for;—and, of the Number of Persons to whom Certificates of Manumission have been granted by the Magistrates and Vestry of the several Parishes of the Island of JAMAICA, since the passing of the Act of 5 GEO. IV. c. 21.

Colonial Department, Downing-street, }
26th March 1831.

(signed)

HOWICK.

THE only means which this Department at present possesses, of furnishing the above information, are derived from the following Letter, from the Agent for *Jamaica*, containing certain Returns, and giving an account of the sources from which they had been drawn.

LETTER from *William Burge*, Esquire, to The Right Hon. Viscount *Goderich*.

MY LORD,

Lincoln's-Inn, February 10th, 1831.

I HAVE the honour to enclose to Your Lordship a Return, from Jamaica, of “all Manumissions, between the period commencing with the first Registration of Slaves in 1817 to the 28th June 1826; distinguishing Gratuitous Manumissions from such as are paid for,” and of which I gave a copy to Your Lordship this morning. It was transmitted to me by the authority of the House of Assembly, and is the result of an examination of the numerous documents in the office of the Secretary in the Island, conferring Manumissions. From their number, it would have been very difficult to have made such a Return, if the Triennial Registry Return recorded in 1817 had not afforded the means of reference to those documents. The Triennial Return of 1829 not having been recorded till late in 1830, there has not been sufficient time to admit of a reference to the instruments granting Manumissions between 1826 and 1829; and this, as I stated to Your Lordship, accounts for the Return not embracing the latter period.

Your Lordship will perceive, that of the 4,782 Manumissions granted between 1817 and 1826 2,831 were gratuitous.

I also send to Your Lordship another Return transmitted to me by the Committee of Correspondence, showing the number of Manumissions granted under the authority of an Act of the Legislature “for removing Impediments to the Manumission of Slaves by Owners having only a limited interest,” passed in the year 1824. It extends from that year to the year 1830, but it does not include three Parishes from which Returns by the Clerks of the Vestry had not been made.

I have the honour to be,

My Lord,

Your Lordship's very obedient humble Servant,

(signed)

William Burge.

RETURN of all MANUMISSIONS between the period commencing with the first Registration of SLAVES in 1817 to the 28th June 1826; distinguishing gratuitous Manumissions from such as are paid for.

PERIOD.	Manumissions Paid for.	Gratuitous Manumissions.	TOTAL.
From 29 June 1817 } to 28 June 1818 }	261	557	818
— 1819 - - -	224	356	580
— 1820 - - -	211	337	548
— 1821 - - -	266	366	632
— 1822 - - -	178	287	465
— 1823 - - -	209	236	445
— 1824 - - -	197	246	443
— 1825 - - -	208	238	446
— 1826 - - -	197	208	405
	1,951	2,831	4,782

RETURN of the Number of Persons to whom CERTIFICATES of MANUMISSION have been granted by the Magistrates and Vestry of the several Parishes in this Island, since the passing of the Act of 5 Geo. 4, c. 21.

	1825.	1826.	1827.	1828.	1829.	1830.	TOTAL.
Saint Andrew - - -	11	8	24	1	6	6	56
Saint Ann - - -	-	1	1	3	1	12	18
Saint Catherine - - -	1	-	2	1	12	4	20
Saint David - - -	-	1	8	-	-	2	11
Saint Elizabeth - - -	1	3	12	5	12	8	41
Saint George - - -	10	7	12	1	25	15	70
Hanover - - -	4	9	9	5	13	13	53
Saint James - - -	-	4	2	9	7	3	25
Saint John - - -	-	3	5	5	1	8	22
Kingston - - -	4	13	37	36	62	36	188
Manchester - - -	-	-	-	-	1	1	2
Saint Mary - - -	8	5	13	3	5	25	59
Portland - - -	17	5	6	-	7	17	52
Port Royal - - -	1	19	9	19	24	23	95
Saint Thomas East - - -	-	-	-	-	-	-	103
Saint Thomas Vale - - -	9	-	2	6	3	3	23
Trelawny - - -	-	-	3	-	1	4	8
Vere (1824) - 4 - -	-	2	-	-	-	2	4
Clarendon	Returns not made.						856
Saint Dorothy } Westmoreland }							

SLAVE MANUMISSIONS, JAMAICA.

RETURNS of all MANUMISSIONS, between the period com-
 mencing with the first Registration of Slaves in 1817 to
 28 June 1826; distinguishing gratuitous Manumissions from
 such as are paid for; and, of the Number of Persons for
 whom Certificates of Manumissions have been granted by the
 Magistrates and Vestry of the several Parishes of the Island
 of Jamaica, since the passing of the Act 5 Geo. IV. c. 21.

*Ordered, by The House of Commons, to be Printed,
 28 March 1831.*

SLAVE POPULATION.

RETURN to an Address to His MAJESTY, dated 15th December 1830;—for,

AN ABSTRACT of the latest Returns received (since the 18th March 1830) from each of His Majesty's Colonies, (including the *Cape of Good Hope* and the *Mauritius* and its Dependencies,) of the SLAVE POPULATION; distinguishing the Sexes, and specifying the precise date to which such Returns have been made up in each Colony respectively, and the date also at which they were received into the Registry Office in this country.

COLONY.	MALES.	FEMALES.	TOTAL.	DATE to which the Returns have been made up.	When received in the Registry Office in this Country.
Bahamas* -	4,608	4,660	9,268	1 Jan. 1828 -	8 Nov. 1830
Grenada -	11,711	12,434	24,145	31 Dec. 1829	18 Feb. 1831
Jamaica -	158,254	164,167	322,421	28 June 1829	18 Dec. 1830
Tobago -	5,872	6,684	12,556	1 Jan. 1830 -	11 Dec. 1830
Trinidad -	13,141	10,865	24,006	31 Jan. 1828 -	11 Dec. 1830
Virgin Islands -	2,510	2,889	5,399	For the year 1828	21 July 1830

* IT appears that from the Total Amount of 10,841 Slaves, stated in the Duplicate Registry received from the Bahamas, dated the 1st of January 1825, a Deduction should have been made of 1,135 Slaves who had been exported from that Island, before the Registry was made up.

Colonial Registry Office,
28 March 1831. }

Thomas Amyot,
Registrar.

SLAVE POPULATION.

AN ABSTRACT of the latest Returns received (since the 18th March 1830) from each of His Majesty's Colonies (including the *Cape of Good Hope* and the *Mauritius* and its Dependencies,) of the SLAVE POPULATION; distinguishing the Sexes, and specifying the precise date to which such Returns have been made up in each Colony respectively, and the date also at which they were received into the Registry Office in this country.

*Ordered, by The House of Commons, to be Printed,
28 March 1831.*

J A M A I C A.

RETURN to an Address to His late MAJESTY, dated 12 May 1830;—for,

COPY of any Information which may have been received from *Jamaica*, respecting an INQUIRY into the TREATMENT of a FEMALE SLAVE, by the Reverend Mr. *Bridges*, Rector of *St. Ann's*, in that Island; with the MINUTES of EVIDENCE taken by the MAGISTRATES on that occasion, and the result of the Inquiry.

Colonial Department,
Downing-street,
February 1831.

HOWICK.

Ordered, by The House of Commons, to be Printed,
10 March 1831.

SCHEDULE.

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1.—COPY of a Despatch from Secretary Sir G. Murray to the Earl of Belmore, dated Downing-street, 23 October 1829. (Four Enclosures) - - -	3
2.—COPY of a Despatch from the Earl of Belmore to Secretary Sir G. Murray, dated King's House, Jamaica, 16 December 1829 - - -	5
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4.—COPY of a Despatch from the Earl of Belmore to Secretary Sir G. Murray, dated King's House, Jamaica, 12 April 1830 - - -	6
5.—COPY of a Despatch from the Earl of Belmore to Secretary Sir G. Murray, dated King's House, Jamaica, 2 June 1830 (One Enclosure) - - -	6
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10.—COPY of a Despatch from Viscount Goderich to the Earl of Belmore, dated Downing-street, 18 February 1831 - - -	11

J A M A I C A.

No. 1.

COPY of a Despatch from Sir *George Murray* to the Earl of *Belmore*,
&c. &c. &c.

Downing-street, 23d October 1829.

MY LORD,

I HAVE the honour herewith to transmit to your Lordship the Copy of a Letter which has been addressed to me by Mr. Thomas Pringle, describing himself as Secretary to the Anti-Slavery Society. Your Lordship will observe that this Society, on the authority of an unnamed correspondent, attribute to the Reverend Mr. Bridges, conduct of great cruelty and indecency towards a female Slave; although in making this statement the Anti-Slavery Society expressly declare, that they do not vouch for its truth. The imputation, therefore, against the character of Mr. Bridges, is not only repelled by its own inherent improbability, but is not sustained by any evidence properly so called, nor even by the assertion of any producible person. Your Lordship will also observe, that the anonymous author of this statement first represents Mr. Bridges to have been brought "before a Special Court and acquitted of the charge;" and then states the decision to have been, only that "he should not be prosecuted."—The former of these assertions must be incorrect, since if any trial had taken place for this supposed offence, Mr. Bridges must, I presume, have been tried like any other person, either before the Court of Grand Sessions, or some Assize Court, by a Jury of twelve men. The quotation from the Jamaica Newspaper represents the proceeding to have taken place before a Council of Protection, which statement I therefore presume to be so far correct.

6 July 1829.

The determination of the Council of Protection would seem, even from the statement of the Anti-Slavery Society, to have been in favour of Mr. Bridges, by a majority of fourteen against four. So that not only the personal character and sacred office of Mr. Bridges, but the solemn opinion of fourteen of the Gentlemen composing this Council, are arrayed in his favour, against an accuser whose name is not quoted, and for whose truth the Anti-Slavery Society decline to vouch.

Under such circumstances, I might in any ordinary case think it quite unnecessary to institute any further inquiry into the transaction in question. But I conceive it is due to Mr. Bridges, and even to the Council of Protection, to afford them the opportunity, of which I am persuaded they will gladly avail themselves, to make their own vindication against a charge of so serious a nature, however unsupported by proof, and contradicted by fair presumption.

Your Lordship will therefore transmit to Mr. Bridges and to the Council of Protection, a Copy of the enclosed Documents and of this Despatch, and you will acquaint Mr. Bridges and the Members of the Council, that I shall be happy to receive any explanations which they may think it necessary or convenient to transmit to me through your Lordship. You will also desire the Council of Protection to furnish you with copies of the Examinations taken by them upon their inquiry into this case. It would be great injustice to Mr. Bridges and to the Members of the Council of Protection, were I at present to entertain any distrust of the perfect propriety of their decision on the subject. But it will be the most satisfactory mode of proceeding to refer to the Attorney General of Jamaica all the information which may be received, desiring that Gentleman to report to your Lordship his opinion, whether any sufficient grounds exist for instituting a prosecution against Mr. Bridges, and if so, whether the Attorney General would now be precluded, by the decision of the Council of Protection, from instituting it. In the very improbable event of the Attorney General advising such a prosecution, it must of course be instituted.

It is not without sincere regret that I thus commit to your Lordship an inquiry which must subject the Reverend Gentleman, whose name has been implicated in this charge, to much inconvenience, and which may, perhaps, however erroneously,

be thought to imply a distrust of the Magistracy of the Island. But I am not aware that there is any other mode of disposing of this complaint, by which I should equally consult the real interests of the Colony, or the personal reputation of Mr. Bridges and the Council themselves.

I have, &c.

(signed)

G. Murray.

(Enclosure 1.)

18, Aldermanbury, 6th July 1829.

SIR,

I AM desired by the Committee of the Anti-Slavery Society, to convey to you the enclosed Extract from a Letter which has recently been received from Jamaica, and which contains Statements that seem to call for inquiry. The Committee do not vouch for the truth of these Statements, but they know their informant to be respectable. They desire me to transmit along with the extract, two Jamaica newspapers, which seem guardedly to allude to the same transaction which is detailed in the extract.

I have, &c.

Right Hon. Sir George Murray,
&c. &c. &c.

(signed) *Tho^s Pringle*, Secretary.

(Enclosure 2.)

EXTRACT of a Letter from Jamaica, dated 19th May 1829,
received July 2d, 1829

— “THE Reverend Mr. Bridges has been brought before a special court in Saint Ann’s, for maltreating a quadroon female slave in a most brutal manner, and acquitted by a decision of fourteen against four. I shall give the matter as I heard it, for no notice is taken of the trial in the newspapers. Bridges had ordered the girl to get a turkey for dinner, expecting a friend to dine. In the course of the day he learnt that this friend would not come. He called the girl, and asked her what was for dinner. She replied, ‘the turkey.’ He immediately said, accompanying his words with a blow, ‘You d—d b—h, who told you to get a turkey?’ The blow blackened both the girl’s eyes, and set her nose in a flow of blood. The poor creature again said, ‘Massa, it was the last thing you told me to do this morning.’ He immediately called two men to cut bamboo rods, and point them. She was then stripped of every article of dress, tied up by the hands, her toes barely touching the ground, and flogged until the back part of her, from the shoulders down to the calves of her legs, was one mass of lacerated flesh and gore. In this state she was locked up, but made her escape in the night, in a state of nudity, to a magistrate, who was about sending her back to Bridges. On hearing she was to be sent back to her master by this inhuman magistrate, she made a start from him and went to Mr. Cox (another magistrate) who detained her. Mr. Cox, as I am informed, said he never saw in his life a poor creature in so miserable a state from punishment. She was almost naked, and flogged from her shoulders to the calves of her legs. Mr. Cox, as Custos of the parish, had a court convened, he, with other magistrates, attending. After hearing all the evidence on both sides, in which Mr. Bridges’ two white servants admitted the severity of the punishment, and he, Bridges, acknowledged his having had her punished for her insolence:—When he was asked, if he did not see the punishment given? He said he was on a hill that looked down on the spot where it was done. Again, if he did not hear her cries? He said he could hear her, but that she was very insolent, and he gave orders for her to be punished. It was then put to the vote, whether he should be prosecuted or not. Fourteen were against, and four for Prosecution. Mr. Cox, Mr. Austin, Mr. Hodgson and another magistrate were the four decidedly for laying the case before His Majesty’s Attorney-General.

(Enclosure 3.)

EXTRACT of a Letter from St. Ann's, dated May 12th, 1829 ;
in a Jamaica Newspaper.

—"I AM sure that you will, as a friend to justice, rejoice with me at our worthy Rector having been yesterday most clearly acquitted by a Council of Protection, after a long and minute investigation, of the Charge of Cruelty and Maltreatment, brought against him by one of his Slaves."

(Enclosure 4.)

To the Editor of the Jamaica Courant and Public Advertiser.

SIR,

THE serious Charge that was made against a Clergyman of talent and respectability, for maltreating a slave, adverted to in your publication of Monday the 4th instant, was duly and strictly investigated at the Court House on the 11th, and I have pleasure in informing you, that your anticipations are realized. The God of Shadrach was with him ; not a hair of his head is scorched ; he has escaped unhurt, notwithstanding that nearly one-fifth of the furnace was tenfold hot. The numbers for and against the respectable individual alluded to, were as follows :—

Pro. 14.
Con. 4. !!

St. Ann's Bay, May 13th.

(signed) Hope.

No. 2.

COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G.C.B.
&c. &c. &c.

King's House, Jamaica, 16th December 1829.

SIR,

I HAVE had the honour to receive your Dispatch of 23d October last, accompanied by a communication from the Secretary of an Anti-Slavery Society, respecting an investigation which took place in Saint Ann's, of a Charge which had been preferred against the Rector of that parish, for having maltreated one of his slaves.

Until I received your Dispatch I was entirely ignorant of any such transaction having taken place, although I have principally resided within sixteen miles of Saint Ann's Bay, where the inquiry was held.

The facts I understand to be as follow : A Female Slave was punished by order of Mr. Bridges, and ran away for the purpose of complaining to a magistrate ; that magistrate recommended her returning to her master, but she proceeded to the residence of the Custos, who thought it proper to summon a Council of Protection, in conformity to the 24th clause of the Slave Law now in force, to inquire into the truth of her story, and to ascertain whether she had been improperly punished or not. Notices were sent to all the magistrates to attend, and a vestry was called to take the subject into consideration, and, after a very long investigation, and the examination of witnesses, two of whom were ladies of respectability, who were at Mr. Bridges' house when the punishment was inflicted, it was determined, That there was no ground for Prosecution, by a majority of fourteen to four. Therefore, as far as public justice is concerned, Mr. Bridges was brought before the tribunal which the Slave Law has established for the protection of slaves, and by that tribunal has been acquitted.

-I am not aware, if even it were considered politic or expedient, by what authority Mr. Bridges could be exposed to a Second Trial ; and it certainly would have the appearance of questioning the character and honour of fourteen gentlemen, entirely disinterested, and who could have no motive for acting contrary to their own sincere conviction.

I do not think that the case of the Rector of Saint Ann's requires any adventitious support, otherwise I might remark, that Mr. Bridges is a very indiscreet man,
231. B and

and having been in constant hostility with the sectarians of his parish, has of course exposed himself to all that their ill will could bring forward against him.

For my own part, having no other object in view than to give you the most correct information in my power, I should certainly deprecate the revival of an affair which is no longer remembered here, and which, I fear, would afford a sort of triumph to those who are hostile to the Established Church. At present, therefore, I shall keep entirely private the subject of your Despatch, until I am honoured with the further instructions of the Colonial Office.

I have, &c.

(signed) *Belmore.*

No. 3.

COPY of a Despatch from Sir *George Murray* to the Earl of *Belmore*,
&c. &c. &c.

Downing-street, 20th February 1830.

MY LORD,

I HAVE had the honour to receive your Despatch dated the 16th of December last, reporting the reasons which have induced you to omit to carry into execution the instructions which I had the honour to convey to you in my Despatch of the 23d October last, with reference to the Charge preferred against the Rev. Mr. Bridges. On referring again to my Despatch, your Lordship will perceive that it was not written without a distinct anticipation of the circumstances which you have stated, and I cannot therefore find in those circumstances any sufficient reason why the inquiry which I then directed should not have been made. I have therefore now to desire, that your Lordship will, immediately on the receipt of my present Despatch, carry my former instructions into execution.

I have, &c.

(signed) *G. Murray.*

No. 4.

COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G. C. B.
&c. &c. &c.

King's House, Jamaica, 12th April 1830.

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch of 20th February, and shall, in compliance with your instructions, cause an immediate inquiry to be made into the proceedings which took place at Saint Ann's Bay, in the course of 1829, relative to a Charge preferred against the Reverend Rector of that parish, for Maltreatment of a Slave.

I have the honour to be, &c. &c. &c.

(signed) *Belmore.*

No. 5.

COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G. C. B.
&c. &c. &c.

King's House, Jamaica, 2d June 1830.

SIR,

REFERRING to your Despatch of 20th February last, I have now the honour to enclose a Copy of the Report of the Attorney General on the subject of the proceedings of a Council of Protection held in the parish of Saint Ann, on 11th May 1829.

I have the honour to be, &c. &c. &c.

(signed) *Belmore.*

(Enclosure.)

S I R,

Spanish Town, 25th May 1830.

IN compliance with the instructions received by his Excellency the Earl of Belmore, to refer to me the proceedings of a Council of Protection held in the parish of Saint Ann's on the 11th May 1829, for my Opinion, whether any grounds exist for instituting a Prosecution against Mr. Bridges, and whether the decision of the Council of Protection precludes the Attorney General from instituting it; I beg leave to report, that I have maturely considered the Evidence which was at that time offered to the magistrates and vestry, and can feel no hesitation in declaring, that grounds do exist for a criminal Prosecution, and that the decision of the Council of Protection forms no barrier whatever to the adoption of such proceedings.

A Council of Protection, which is composed of the Justices and Vestry of a parish, under the provisions of the 25th clause of the Slave Law, is invested with authority to make further and full inquiry upon view, and by the examination of witnesses, into any alleged complaint of mal-treatment of a slave, and at its discretion to prosecute the party complained against, at the expense of the parish, with a remedy over against the owner, if he be capable of sustaining the costs and charges of such prosecution by action at law. Its proceedings, therefore, are merely ancillary to a prosecution before the supreme courts of criminal judicature in the colony. Its decision is not final; the party accused is not put upon his trial; they possess no power of condemnation or acquittal. Every magistrate is clothed with the same authority, and may exercise the same jurisdiction of investigating the complaint of a slave, and may or may not adopt the necessary proceedings in order to bring the matter before the Grand Court or Courts of Assize; with this exception, that he acts on his own personal responsibility; whereas in the case of a Council of Protection, the resort to ulterior measures is or is not sanctioned by the magistrates and vestry of the parish, and the slave is withdrawn from the control of his master by being committed to the workhouse until the trial shall have taken place.

During the period of my practice at the bar in Jamaica, I remember a conviction obtained by the late Attorney General against an individual, for mal-treating a slave. Although the complaint had been rejected by a Council of Protection, and a bill sent in to the grand jury of the county of Middlesex, *ignored*, yet the Attorney General persevered; another bill was sent in and found, and a conviction, as I have stated, was ultimately obtained.

The grounds on which I have formed my opinion as to the propriety of instituting further Proceedings against Mr. Bridges, are,—The infliction of a Punishment on a female so disproportioned to the offence which she was charged to have committed, and the Severity of that punishment, as proved by those who had ocular demonstration of its effects, viz. Mr. Cox, Mr. Raffington, Mr. Harker, Dr. Stennett, and Mr. Smith; of whom Mr. Cox and Mr. Raffington stated, that they had never witnessed such severity.

The Statement of the slave appears to have been corroborated in its most material points, although John Colin stated that there were no marks on her face, and that he did not perceive any black eye or marks of violence about her neck, yet it might have been proved by this witness, that the parts of her person exhibited those marks, had a question to that effect been put to him; his evidence, however, is contradicted by Dr. Stennett and Mr. Harker.

A circumstance was distinctly proved, which is calculated to excite strong suspicion. I allude to Mr. Bridges compelling the slave to destroy the clothes which she had on when she received the punishment.

For these reasons I am of opinion that this matter ought to undergo a further investigation before a tribunal which is by law competent to pronounce on the guilt or innocence of the accused.

I may also observe, that the question which was put to the Justices and Vestry who composed the Council of Protection, was not, Whether Mr. Bridges was guilty or not of having mal-treated his slave, but whether he should be prosecuted or not, which latter question involves considerations such as were calculated possibly to influence the majority in disapproving of a prosecution.

I have, &c.

(signed) *Hugo James.*

No. 6. *Belmore to Sir George Murray*
 COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G. C. B.
 &c. &c. &c.

King's House, Jamaica, 18th June 1830.

SIR,

REFERRING to my Despatch of 2d instant, I have the honour to inform you that the grand jury of the county of Middlesex, before whom an Indictment against the Rector of Saint Ann's was preferred, have returned the bill *ignoramus*.

I am, &c.

(signed) *Belmore.*

No. 7. *Murray to Belmore*
 COPY of a Despatch from Sir *George Murray* to the Earl of *Belmore*,
 &c. &c. &c.

Downing-street, 15th August 1830.

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 18th June last, in which you report that the Bill of Indictment against the Rev. Mr. Bridges has been ignored by the grand jury.

In my Despatch of the 23d of October last, I requested that you would desire the Council of Protection to furnish you with copies of the Examinations taken by them upon this case. If you have accordingly obtained from them an authentic copy of these Examinations, you will be so good as to transmit it to me. If you have not yet obtained such a copy, you will lose no time in procuring and transmitting it.

I have, &c.

(signed) *G. Murray.*

No. 8. *Belmore to Sir George Murray*
 COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G. C. B.
 &c. &c. &c.

King's House, Jamaica, 5th October 1830.

SIR,

WITH reference to your Despatch of 15th August, I have the honour to inform you, that I have called upon the Chief Magistrate of the parish of Saint Ann, for a copy of the Examinations taken by a Council of Protection, in the case of the Reverend Mr. Bridges, which I shall lose no time in forwarding to the Colonial Office.

I have, &c.

(signed) *Belmore.*

No. 9. *Belmore to Sir George Murray*
 COPY of a Despatch from the Earl of *Belmore* to Sir *George Murray*, G. C. B.
 &c. &c. &c.

King's House, Jamaica, 1st December 1830.

SIR,

REFERRING to your Despatch of 15th August last, I have now the honour to enclose for your information the copy of Proceedings and Examinations of a Council of Protection held at Saint Ann's Bay, on 11th May 1829, relative to a slave belonging to the Reverend Mr. Bridges, which I only received from the Crown Office since the sailing of the last packet.

I have, &c.

(signed) *Belmore.*

(Enclosure 1.)

Jamaica, S. S.

I, Thomas Farquhar Hill, Clerk of the Crown for the said Island of Jamaica, do hereby certify, That the several annexed paper writings are just and true copies of the Proceedings and Examinations, remaining in my office, of a Council

of Protection held at Saint Ann's Bay, on the 11th day of May 1829, relative to a slave belonging to the Reverend Mr. Bridges, called Kitty Hilton.

Given under my hand and seal of office, this second day of November in the year of Our Lord one thousand eight hundred and thirty.

Seal.

Tho^r F. Hill, C^t Cr.

(Enclosure 2.)

Jamaica, SS. } AT a Council of Protection holden this 15th April 1829, before
Saint Ann. } the Honorable Henry Cox, Custos, and other Justices and Vestrymen of the parish of Saint Ann—Kitty Hilton, a Slave belonging to the Rev. Mr. Bridges, came forward and complained against her said Overseer, for having maltreated her. The Rev. G. W. Bridges was cited to appear, but in consequence of severe indisposition, he could not attend. Having heard the evidence of Kitty Hilton, It was Resolved, That in consequence of Mr. Bridges' indisposition, and the evidence warned not attending, Kitty Hilton should be remanded to the workhouse, to be taken care of, and not worked until a Special Vestry should meet on the 11th May, and that all parties should be summoned to appear on that day.

(signed) *Henry Cox,*
Custos.

Jamaica, SS. } AT a Council of Protection holden this 11th May 1829, before
Saint Ann. } the Honorable Henry Cox, Custos, and others, Justices and Vestrymen of the parish of St. Ann,—Kitty Hilton, a Slave belonging to the Rev. G. W. Bridges, was brought forward in pursuance of the above-written order. The several parties having been duly served, the Council of Protection proceeded to investigate the said Charge.

Kitty Hilton, sworn; states,—That she belongs to the Rev. Mr. Bridges, Rector of Saint Ann's. On Friday, after breakfast went to her master in the library, and asked, what he would have for dinner, who asked what witness had done with all the turkeys; had the turkey killed about two o'clock, P. M.; when he saw it killed, master was angry; took her into the pantry and nailed witness against the dresser in the pantry, and kicked her with his foot. Witness begged not to be kicked so severely, as she would buy another turkey and have it for the Sunday's dinner. Being asked, if any one was present?—she said, Miss Moreland;—was kicked for upwards of an hour; master said he wished he could see her a corpse, as he hated her so. Called old Charles to pick the largest bundle of bamboo switches he could find, which he did. Master followed her and old Charles to the cow-penn, and had her laid down. He was standing over witness, beating her with a stick, and telling the man to cut all the flesh off her:—was going to lay down on the grass, but was ordered off to the rocks. When master had done flogging her, and witness rose up, the blood was running down her heels. He ordered old Charles to run her down to the pond; and went as ordered, washed her skin, and the blood off her clothes. Did your master follow you?—No, he stopped at the cow-penn: That on her return from the pond her master was pelting her up to the house with stones; the pond can be seen from the house; it was about two o'clock in the day; was struck by her master at the cow-penn; on her return from the pond to the house, her master was following her with a stick, but as he could not catch her, he continued pelting her. On her return to the house, the blood gushed out as bad as ever. Her mistress called for a kettle of water, which she went to take up; she met her master, he gave her a kick, and told her to go out and change her clothes. He followed her into the washhouse and beat her there with a stick; and as he was beating her, witness begged and said she had only two suits, but one was dirty and one was on. He went out of the washhouse and locked her up in it, and returned and brought an Oznaburgh frock, and said witness must put it on, and pull off the one she had on, and made witness carry it, with the handkerchief off her head, into the kitchen and burn it. Her master remained there until they were burnt. Mrs. Taylor was in the kitchen, and before the gown was done burning, Miss Moreland came

came into the kitchen; afterwards she was ordered to cook dinner, and afterwards her master continuing to beat her, she could not bear it, and she went away (about five o'clock, P. M. not quite an hour after the clean frock was put on her) and walked part of the night to Mr. Raffington's. Miss Steer was in the house, and saw witness after her return from being flogged: went to Mr. Raffington's and saw him, he was coming down to Nutshell. He ordered her to come down to his residence at Nutshell on Sunday morning, and that he would see her master on Sunday, and would speak to her master. Mr. Raffington told witness her master had consented to sell her. On Tuesday morning she went to Mr. Charles Smith, and he consented to purchase her. On Wednesday morning her master sent for her, being the day she returned from Richmond, and was carried home that day; he sent a horse, but could not ride. Was returning to Mr. Raffington's house with Mr. Saunders, who had Mr. Smith's letter, but was hindered from going there by Mr. Saunders, who said Mr. Raffington had ordered that she should not put her foot near his yard, as she should have gone home before. Went home (Saunders having left her) with the man that was sent for her. Her master did not see her that night; got fever and was lying out of doors. Mr. Colly told witness, her master had desired him to tie her two hands behind her, and put her in the watchman's hut, under the charge of old Charles, which he did. Heard that her master intended sending her to Saint Thomas in the Vale workhouse, from Mr. Colly; found she could not bear such punishment, and escaped about three o'clock in the morning, and went to Industry, having contrived to get loose, and reached there about four P. M. on the same day.

Miss Moreland, sworn; states,—That she was in the pantry where she saw Mr. Bridges and Kitty Hilton, who was struck or kicked by him, but had not seen any previous flogging. Kitty Hilton said, that her master had desired her to kill a turkey, and her master said he had not, but she insisted on it. Saw the woman after she was flogged; she showed her punishment to witness at a distance; she was in the same clothes she had on as those in which she was sent down to be flogged. She saw the clothes burned. Mr. Bridges continued in the pantry with Kitty Hilton until the switches were brought up, but she did not see them.

Cross Examined:—She is very provoking and insolent, is the general conduct of Kitty Hilton. Being asked, if she knew of any particular instance of insolence towards her master and mistress?—She declines answering the question.

John Colin, sworn;—Knows the woman; he has been residing with Mr. Bridges three months, and knows she is a troublesome woman in the house; knows Mr. Bridges punished her once during that period. Witness ordered her to be tied on her return, and gave her in charge to the watchman, from whom she escaped; did not tell the woman she was to be sent to Saint Thomas in the Vale workhouse; could not, as he knew nothing about it.

Cross Examined:—Saw Mr. Bridges once strike her for insolence; the watchman tied her; was insolent to Mr. Bridges before he struck her; went at daylight in search of the woman, and she was gone: sent a watchman in quest: have often heard her insolent to Mr. Bridges. Witness is apt to hear her insolence more than any one else: has heard her say to Mr. Bridges, "I will do it when I think proper," when ordered by him to perform any duty: there were no marks on her face. I saw her after her punishment, there were no marks on her neck; would have seen them, as the gown was sufficiently low; she was tied, in case she should go away when she was brought back, and he ordered her to be tied by the watchman, where there was a good fire. Witness did not perceive any black eye or marks of violence about her neck.

Thomas Raffington, Esq. sworn. Kitty Hilton came to witness on Saturday morning, the 4th; a servant came in and told witness a sick woman wanted to see him; saw her and her situation; never saw a female in such a situation. Had seen the woman before, but did not know her: desired her to remain at his residence; she came to Nutshell. Witness spoke to Mr. Bridges, and requested him to consent to sell her, which he said he would. Afterwards desired her to remain at Nutshell, and left a woman to take care of her, but she went away. Witness did not examine her particularly, but she was terribly lacerated, and never saw a woman so ill treated. Mr. Raffington said he had not ordered her to Nutshell.

Charles Smith, Esq. sworn. On Tuesday morning met Kitty Hilton, and asked her what was the matter, she said her master had most killed her. Witness did

not

not recognize her, she said she was going to Mr. Smith to buy her. Witness told her to go to Richmond, and wait his return. When witness saw the woman, she had received a severe punishment, but did not examine her particularly.

Several Letters read, showing a disposition to sell the woman to Mrs. Smith.

Dr. Stennett, sworn. States the woman had two black eyes when the woman was sent to the workhouse. Witness examined her, and saw severe marks of punishment. If the woman had thirty-nine, she would not have been healed so soon.

W. T. Harker, sworn. Saw the woman on the morning of Wednesday; had heard a report of a woman being severely flogged; examined her,—her eyes were black, as if she had received a severe blow; her posteriors were very much cut up; on the inner part of her thigh, on each, there were several black marks.

The Hon. Henry Cox, sworn. Kitty Hilton came to witness to complain against her master, Mr. Bridges; she was very much injured; saw her bruises, evidently switching, from the nape of her neck to her posteriors; her face and thighs dreadfully bruised. Has never seen any thing so severe of the kind; in consequence ordered her before the Council of Protection.

Mr. Bridges called upon for his defence. Admitted, that he had ordered the woman to be switched for her insolence, but denies that he went down from his house; on the contrary, he had sent her down to be switched by the watchman.

Miss Steer, sworn. Was at Mr. Bridges on the 2d of April. The dinner was shamefully cooked, and a part of it was obliged to be sent away; Mr. Bridges told her, he should remember her. On the following day she killed a turkey, saying to Mrs. Bridges she had been ordered to do so, and Mrs. Bridges told her, it must have been a mistake. Heard she was to have been punished; switches were sent for; and she was sent down to the watchman for punishment. Saw Mr. Bridges on the top of the hill.

Question to Mr. Colen, by Mr. Bridges. Had I any other negro than Charles, or any other coloured person about me, to punish the woman? Replied—No.

The Justices and Vestry having heard the Evidence on behalf of Kitty Hilton, and the Evidence on behalf of the Reverend Mr. Bridges; on its being put to the vote, whether Mr. Bridges should be prosecuted or not, it was carried, by a majority of thirteen to four against the Prosecution.

(True Copy.)

(signed)

Henry Cox,

May 14th, 1830.

Custos.

No. 10.

COPY of a Despatch from Viscount Goderich to the Earl of Belmore,
&c. &c. &c.

Downing-street, 18th February 1831.

MY LORD,

I HAVE received your Lordship's Despatch of the 1st of December 1830, enclosing a Copy of the Proceedings before the Council of Protection, in the complaints of Kitty Hilton against the Rev. Mr. Bridges.

Your Lordship was instructed to obtain this information, in my predecessor's Dispatch of the 23d October 1829, and the instruction was repeated on the 15th August 1830.

Obviously desirable as it was that this Department should be in full and early possession of all the documents bearing upon this case, I cannot but express my regret that your Lordship should have allowed more than twelve months to intervene before you transmitted the copy of the proceedings before the Council of Protection.

I have perused this record with feelings of the deepest concern. For a trifling mistake in the execution of her master's orders, this female slave appears to have

been first violently struck and kicked by her master, and then, by his directions, flogged with such severity as to have excited the commiseration of every person who bore witness to her appearance after the punishment.

Thomas Raffington Esq. was sworn ; and deposed,—That Kitty Hilton came to witness “ on Saturday morning the 4th, A. M. A servant came in, and told witness a “ sick woman wanted to see him ; saw her and her situation ; never saw a female “ in such a situation : had seen the woman before, but did not know her name. “ Witness did not examine her particularly, but she was terribly lacerated, and “ never saw a woman so ill treated.”

Dr. Stennett, who was sworn, states,—That the woman had two black eyes when sent to the workhouse, and that he examined her and saw severe marks of punishment ; but he says, if she had had “ thirty-nine, she would not have been healed “ so soon.”

Mr. F. Harker, sworn ; states,—That he saw the woman in the morning of Wednesday : “ had heard a report of a woman being severely flogged ; examined her ; “ her eyes were black as if she had received a severe blow ; her posteriors were “ very much cut up ; on the inner part of her thigh on each there were several “ black marks.”

The Hon. Henry Cox, sworn ; states,—That Kitty Hilton came to him to complain against her master, Mr. Bridges. “ She was very much injured ; saw her bruises, “ evidently switching, from the nape of the neck to her posteriors ; her face and “ thighs dreadfully bruised : has never seen any thing so severe of the kind.”

It is further stated, and is corroborated by the evidence of Miss Moreland, that Mr. Bridges struck or kicked the slave after she had been flogged, as well as before, and that he caused her to burn the clothes which had been stained with her blood. The only part of this evidence which is in any degree impugned, is that of Dr. Stennett and Mr. Hacker, to the fact of her having “ black eyes ;” and all that appears to the contrary is the evidence of “ Colin,” apparently a servant, or at all events an inmate in Mr. Bridges’ house, who says that he did not perceive marks of violence upon her face.

When Mr. Bridges was called upon for his defence, all that appears upon the record is, that he “ admitted that he had ordered the woman to be switched for “ her insolence, but denies that he went down from his house ; on the contrary, “ he had sent her down to be switched by the watchman.”

The result of these proceedings was, that “ on its being put to the vote, whether “ Mr. Bridges should be prosecuted or not, it was carried by a majority of 13 to 4 “ against the Prosecution.” And when a Bill of Indictment was nevertheless preferred against Mr. Bridges, by the Attorney General, under the directions of the Secretary of State, it was thrown out by the Grand Jury.

It would be with extreme reluctance that I could be induced to doubt that the Gentlemen who composed the Grand Jury upon this occasion, performed their duty conscientiously, according to the terms of the oath which they had taken ; but I have the Opinion of the Attorney General for Jamaica before me, who reported, that having maturely considered the Evidence which had been offered to the Magistrates and Vestry, he could feel no hesitation in declaring that grounds did exist for a criminal Prosecution ; and I cannot but be apprehensive that the Grand Jury have committed an error of judgment, which, for every consideration of what is due to the ends of public justice, to their own good repute, and to the credit of the Colonial Society, is deeply to be deplored.

Were I to assume the judgment of the Grand Jury to be correct, it would follow that the Laws of Jamaica afford to the Slave no protection from such sufferings as those which are shown, by evidence on oath, to have been undergone by the Slave Kitty Hilton.

With respect to the offender in this case, your Lordship will readily conceive how much the regret, which I should feel at such conduct on the part of any person filling a respectable station in society, is aggravated by the circumstance of that person being a Minister of the Gospel.

Unmanly

Unmanly and disgraceful as the conduct of Mr. Bridges would have been, even had it proceeded no further than the blows inflicted by his own hand, I should have been willing to seek some apology for it in a momentary ebullition of anger, however apparently unprovoked, and however unbecoming the sacred character of his profession. But, for the repeated and persevering cruelty of his subsequent conduct, I can find no extenuation ; and I can only lament that the ends of justice have been defeated, and that the crime of Mr. Bridges must be left unpunished.

If Mr. Bridges be a Magistrate, your Lordship will lose no time, if it be not already done, in erasing his name from the Commission of the Peace.

I have, &c.

(signed) *Goderich.*

J A M A I C A.

COPY of any Information received from *Jamaica*,
respecting an INQUIRY into the TREATMENT
of a FEMALE SLAVE, by the Rev. Mr. Bridges,
Rector of *St. Ann's*, in that Island.

*Ordered, by The House of Commons, to be Printed,
10 March 1831.*

JAMAICA.

RETURN to an Address of the Honourable The House of Commons,
dated 15th December 1830 ;—for

C O P I E S

OF ALL

COMMUNICATIONS relative to the reported Maltreatment
of a Slave named *Henry Williams*, in *Jamaica*.

Colonial Department, }
Downing-street,
23 December 1830. }

HOWICK.

Ordered, by The House of Commons, to be Printed,
23 December 1830.

SCHEDULE.

- No
- 1.—Copy of a Memorial from Dr. Townley to Secretary Sir George Murray; dated Wesleyan Mission House, 12th February 1830 - - - - p. 3
 - 2.—Ditto - - - ditto - - - ditto; 25th February 1830 - - - p. 7
 - 3.—Copy of a Letter from Horace Twiss, Esq. to the Rev. Dr. Townley; dated Downing-street, 5th March 1830 - - - - - ib.
 - 4.—Copy of a Letter from the Rev. Dr. Townley to Horace Twiss, Esq.; dated 10th March 1830 - - - - - p. 8
 - 5.—Copy of a Despatch from Secretary Sir George Murray to the Earl of Belmore; dated Downing-street, 6th May 1830 - - - - - p. 14
 - 6.—Copy of a Despatch from the Earl of Belmore to Secretary Sir George Murray; dated King's House, Jamaica, 10th August 1830 - - - - - ib.
 - 7.—Copy of a Letter from Horace Twiss, Esq. to the Earl of Belmore; dated Downing-street, 30th September 1830 - - - - - p. 15
 - 8.—Copy of a Despatch from the Earl of Belmore to Secretary Sir George Murray; dated 27th August 1830 - - - - - ib.
 - 9.—Copy of a Despatch from Viscount Goderich to the Earl of Belmore; dated Downing-street, 9th December 1830 - - - - - p. 19
 - 10.—Copy of a Despatch from the Earl of Belmore to Secretary Sir George Murray; dated 6th October 1830 - - - - - p. 22
 - 11.—Copy of a Despatch from Viscount Goderich to the Earl of Belmore; dated 14th December 1830 - - - - - ib.
 - 12.—Copy of a Letter from the Rev. Dr. Townley to Viscount Goderich; dated 8th December 1830 - - - - - p. 23
 - 13.—Copy of a Despatch from Viscount Goderich to the Earl of Belmore; dated 11th December 1830 - - - - - p. 28

COPIES

OF ALL

COMMUNICATIONS relative to the reported Maltreatment
of a Slave named *Henry Williams*, in *Jamaica*.

— No. 1. —

Wesleyan Mission House, 77, Hatton Garden,
February 12, 1830.

To the Right Honourable Sir *George Murray*, one of His Majesty's principal
Secretaries of State for the Colonies, &c. &c. &c.

SIR,

THE Committee of the Wesleyan Missionary Society having received intelligence that the clauses affecting the religious liberty of the Wesleyan societies in the island of Jamaica, which were inserted in the Consolidated Slave Law of 1826, have been again enacted by the Assembly and Council of that island, and that the Bill in which they are contained has received the assent of the Governor of the island, have directed me to bring this case of injustice and religious intolerance again under your notice, and most earnestly and humbly to solicit from His Majesty's Government that protection for their missionaries in Jamaica, and for the societies among whom they labour, which has on every former application been liberally and promptly granted, when, by the proceedings of the colonial authorities, they have been subjected to unjust aggressions. It is not necessary for the Committee to repeat the arguments which, in their former communications with the Colonial-office on the subject of the Consolidated Slave Law of 1826, they urged against the allowance of the clauses in question. These clauses have been inserted in the last Bill in what is called an amended form; but the clause respecting the religious instruction of slaves by slaves already instructed acting as catechists, and that respecting voluntary contributions from slaves for religious and charitable purposes, the Committee are informed remain unaltered; whilst that which relates to the holding of evening services is made still more rigid, all religious meetings, except when held between six o'clock in the morning and six in the evening, being by the new Bill absolutely and universally prohibited. As far as the Committee are informed, the chief amendment which has been adopted is to be found in the clause last-mentioned, and that it consists in extending the prohibition to all religious assemblies of slaves, without excepting those of the Established Church, an extension of the enactment which affords no relief to the societies under the care of Wesleyan missionaries, and which the Committee doubt not was adopted in order the more plausibly to carry it through the House against those whose labours it was originally designed exclusively to obstruct. In every respect, therefore, the present law is more objectionable and more oppressive than the former.

With respect to the preambles of all these objectionable clauses, (which they understand are still retained in the new Bill,) the Committee complain that, as far as their missionaries and their subordinate agents are concerned, they rest on no credible evidence, and go to inflict a most unmerited odium upon men who have disinterestedly and usefully laboured for many years to promote the religious instruction of the slave population, and whose orderly and peaceable management of the societies and congregations committed to their care, have entitled them to approbation, not to censure. The Committee feel also that such aspersions imply

an illiberal and unjust libel upon themselves, and the society at home for whom they act.

To the Committee is confided the management of all the Wesleyan foreign missions; they assign to each missionary, therefore, in Jamaica, his field of labour; he is accountable for his conduct to them, and their systematic discipline brings that conduct, in all its parts, under periodical review. The salaries of the missionaries are all fixed by the Committee; for all voluntary contributions by collections in the island-congregations the missionaries and the stewards are accountable to them; and the Committee alone have the power to direct the application of those receipts, which are appropriated to meet, in part, an annual expense of several thousand pounds, for which the Jamaica missions are dependant upon the mission-fund at home. The Committee, in the management of this work, have no personal interest; they are but the agents of the benevolence of the body of contributors to the Wesleyan Missionary Society, and they are bound to see, therefore, that the expenditure incurred on every station is as economical as is consistent with the efficiency of their missions; that no one station may bear more heavily upon the general fund than its real necessities demands, and that its local resources may be faithfully applied to meet its expenses as far possible. No Wesleyan missionary can therefore raise money from the people for *private* purposes; the charge of "extortion" urged against these disinterested and frugal men, the Committee have the means of knowing to be utterly unfounded, and they therefore give to it the most unequivocal contradiction.

Nor is the Committee's control over the doctrines taught by the missionaries less absolute than over the conduct of the missionaries and the finances of the foreign societies. The Committee trust that they are neither of a rank in society, nor of so small an acquaintance with the duties of civil life, nor so regardless of religious and moral principles, as to be supposed incapable of feeling their responsibility to His Majesty's Government, and to society at large, for the peaceable demeanor of those who act under their direction; and yet if the Wesleyan missionaries, or any one of them, in the island of Jamaica, has either occasionally or habitually preached the doctrines of "liberty and equality," as charged upon them, or any other doctrines contrary to that right and faithful discharge of duty which the Committee hold to be imperative upon every Christian slave, the weight of this charge lies upon the Committee itself, who know certainly what doctrines are in fact taught, and who have the power of censure and control, of recall or dismissal, as to their missionaries, in their own hands. The Committee may therefore affirm, not upon its *belief* only, but upon its own *knowledge*, that all such allegations are the shameful and gratuitous aspersions of violent and prejudiced men.

It is very true that the Committee, in their private capacity, in common with the rest of His Majesty's subjects, claim to form their own opinions on the evils of slavery, and other subjects connected with the amelioration of the condition and the ultimate emancipation of the colonial slave; yet even in their personal character they regard these matters as determinable only by the wisdom of the British Legislature, and the progress of opinion. But, as a Committee, their attention is directed solely to the moral improvement of the slave population; and their printed instructions to their missionaries (the observance of which by every missionary is the condition of his remaining employed) show that to this simple object they are most strictly confined; nor have they ever discovered the least disposition in this respect to offend against their instructions.

The Committee are aware that, since the clauses of which they complain were first passed in Jamaica, the House of Assembly has obtained evidence, before a Committee, on the conduct of "the sectarians," so called, and that the Report of this Committee contains the most infamous charges against all sectarian teachers without exception, and consequently, that the Wesleyan missionaries are included in this wretched and absurd libel. But His Majesty's Government is no doubt fully aware of the fact, that this criminatory evidence was given chiefly by three persons, one of whom had previously distinguished himself as a zealous persecutor in those violent proceedings in the parish of Saint Ann's, which resulted in the unlawful imprisonment of three Wesleyan missionaries, and for which certain of the magistrates were afterwards so justly visited; that a second was a contractor for public buildings; and the third a tavern-keeper, living in the immediate neighbourhood of the House. Two of these witnesses at least, if their evidence could be considered as unbiassed, were not persons whose occupations

occupations fitted them to give an opinion on the effect of the instructions of the missionaries upon the slaves; and the third had already sufficiently declared himself to be a violently prejudiced party. But although the evidence was drawn from such sources as to give little weight to the Report itself, and to confer little honour upon the House of Assembly for acting upon it, the Committee beg leave humbly to suggest some additional considerations, which they conceive wholly take off the weight of those calumnious imputations which that Report contains, as far at least as the Wesleyan missionaries are concerned.

The first is that Mr. Barry, one of the Society's missionaries, immediately after the "Report of the Sectarian Committee" was made to the House of Assembly, publicly offered to produce evidence at the bar of the house, which should wholly disprove the allegations of that Report; but of this application no notice was taken. The second is, that so little has public opinion been affected by the "Report of the Sectarian Committee," in the island of Jamaica itself, or rather so generally have its alarming charges against missionaries been disregarded, that the disallowed clauses in the Consolidated Slave Law which are now inserted in the Bill just sent home for the Royal Assent, were carried through the House of Assembly by exceedingly *small majorities*; and that an amendment which would have exempted all "*religious meetings*" from the operation of the 84th clause, was lost only by a majority of six votes; so that even in the House of Assembly itself, the effect of the Report of its own Committee had manifestly been to create an improved feeling in favour of the very men whom that Report designed to crush beneath the weight of public odium. The third is, that, as the Committee are credibly informed, Mr. Batty, the framer of the original clauses, himself proposed the amendment which went to exempt all "*religious meetings*" from the operation of the clause which prohibits assemblies of slaves before six o'clock in the morning and after the same hour in the evening, and proposed to expunge its calumnious preamble, in which he was supported by Mr. Marshall. The Committee here beg the liberty to observe, that Mr. Batty was a member, and Mr. Marshall the chairman, of the "Sectarian Committee:" and they therefore humbly conceive that they are entitled to ask, with confidence, whether it be possible to conclude that those gentlemen do now attach the least credit to the evidence upon which the Report of the Sectarian Committee was grounded, when, by the amendment which they introduced and supported, (and which was lost only, after a violent debate, by a majority of six votes) they disclaimed all those injurious aspersions upon missionaries which the preamble of that clause contains, and not only proposed that the preamble should be expunged, but that all meetings of slaves of a religious kind should be permitted as usual, without being restrained by the times of sunrise and sunset?

The Committee have in their possession testimonies, recently received from respectable planters and other persons in Jamaica, to the good conduct of their missionaries in that colony, and of the moral improvement and good behaviour of the slaves under their instruction; but they think that the evidence which arises from the facts above stated, will be thought more conclusive by His Majesty's Government than any other which they could offer.

The Committee take the liberty further humbly to state that, from the information they have received from Jamaica, it is the decided opinion of many respectable persons there, who attended during the debates in the House of Assembly when the clauses above-mentioned were under consideration, that even the small majorities by which they were adopted would not have been obtained but by an artifice of a Mr. Beaumont, who dared to abuse the name and authority of His Majesty's Government in a very unwarrantable manner, in order to influence the votes of the members upon the clauses in question. The Committee's information is, that this Mr. Beaumont, who took the most zealous part in carrying the clauses through the House, stated, in his place there, that he had high authority for asserting, that if a mere verbal alteration only were made in them, His Majesty's Ministers would advise His Majesty to give His Royal Assent to the whole law, and that he then read a letter, purporting to be from the island agent, which stated in substance that, "in an interview he had had with Sir George Murray, he, Sir George, had observed, that if the House of Assembly would make but a few verbal alterations, so as to save the Government from appearing inconsistent, the Bill would be allowed." This the Committee humbly beg pardon for mentioning, but they do it in further proof that so little conviction had been produced in the minds of the members of

the Jamaica House of Assembly, by the Report of its own Committee, that manœuvre and falsehood were, by the advocates of the intolerant clauses, felt to be necessary in order to secure a majority in their favour.

The Committee of the Wesleyan Missionary Society knowing, therefore, that no well-founded charges lie against the conduct or doctrines of their missionaries, or the peaceable demeanour of the societies under their care, again appeal to the justice of His Majesty's Government for protection against the operation of this calumnious and persecuting law. Why this hostility should exist in the island of Jamaica, when in almost every other West India colony their missions (which are all conducted upon one system) are not only tolerated, but encouraged by the colonial authorities, it is not for the Committee to attempt to explain; such however is the fact, and in Jamaica that hostility has assumed an aspect of malignity which would bring great guilt upon the Committee if they did not most strenuously implore from His Majesty's Government that protection for their missionaries, which their perfect innocence of all the allegations urged against them, and their zeal and devotedness to their spiritual calling, entitles them to, as well as their common participation in the rights and liberties of all loyal subjects. One murderous attempt was made, but three years ago, in the parish of St. Ann's, to assassinate one of their missionaries, his wife and child, by firing a volley of balls into his bedchamber, in the night, by a party of the island militia (all whites) after an inflammatory sermon preached against sectarians by the Rector; another missionary fell a victim, in 1827, to harassing persecutions and illegal confinement in a most loathsome prison; another who suffered imprisonment at the same time, and in the same abominable dungeon, which itself outrages humanity, has perhaps for ever lost his health, and is now an invalid in England, but willing to answer any interrogatories to which His Majesty's Government may think it right to subject him.

The Committee have before them the case of a slave, of excellent character, who but a few months ago was almost flogged to death, and is not yet recovered from this barbarous treatment, for no other cause than attending at the services of a Wesleyan chapel. They have a still more recent account of another slave who was seized, when passing the house of the Rector of St. Ann's, and laid down and flogged, by that reverend gentleman's orders, because he was a notorious Methodist; an outrage which, upon the complaint of the owner of the slave to the Custos, the Rector was obliged to compromise, thereby rendering the fact indubitable. And since this feeling exists, in some parts of Jamaica, and persons in respectable, and even sacred rank in life, are not ashamed to perpetrate these atrocities, the Committee humbly and confidently trust that no law may be recommended by His Majesty's Ministers to receive the Royal Assent which shall leave their missionaries and people at the mercy of men so predisposed to harass and persecute them. Were the number of the Wesleyan missionaries and congregations in the island of Jamaica much smaller than it is, the reasons for their protection by a just and liberal government would remain in the same force: the weight of these reasons is not surely lessened by the consideration, that the Wesleyan Missionary Society have stations in almost all the most populous parts of the island; and that the number of persons attending their ministry there, whites, colored persons, and negroes, is not fewer than twenty thousand; to which the Committee may add a very large property vested in chapels, built chiefly by the voluntary subscriptions of the inhabitants, several of which chapels are of a large size, capable of containing each from 1,000 to 3,000 persons, a property which must be rendered, in many instances, comparatively useless, if religious services in the evenings, from seven to eight o'clock, were not allowed to be held, as, on the Sunday forenoon and afternoon the greater number of slaves are not, from various causes, able or permitted to attend. Nor could the Bill, which has lately passed the Jamaica Legislature, if allowed to become law, produce any other than agitating effects. That the religious slaves will assemble for religious worship, though deprived of the presence of the missionaries, is most probable, and thus an irritating struggle would be kept up between proprietors who are hostile to religious persecution, and those who would be always ready to enforce the restrictions. Nor is it at all probable that the missionaries themselves would forsake their charge through fear of fines and imprisonment, unless directed so to do by the Committee, a direction which, powerfully as the Committee feels itself bound to respect all lawful

lawful authority, would originate a case of conscience with them not hastily to be determined. From a most painful alternative on either side, the Committee therefore most earnestly entreat His Majesty's Government to preserve both them, and the missionaries labouring in the island of Jamaica, and by disallowing the clauses referred to in the Slave Law last sent home, to continue to them, unimpaired, that freedom of religious worship which, so far from having been ever abused, has only been employed in the West Indies for the promotion of the moral improvement of the negro population, and the peace and security of society.

I have the honour to be,

&c. &c. &c.

(signed) *James Townley, D. D.*

— No 2. —

Wesleyan Mission House, 77, Hatton Garden,
February 25th, 1830.

To the Right Honourable Sir *George Murray*, His Majesty's Principal Secretary of State for the Colonial Department, &c. &c. &c.

SIR,

ON the 13th instant I transmitted to you, by order of the Committee of the Wesleyan Missionary Society, a Memorial, praying for the disallowance of those clauses in the Consolidated Slave Act, recently passed by the General House of Assembly in Jamaica, which affect the religious instruction of the slave population of that island.

No information having been received of the receipt of that Memorial by His Majesty's Government, the Committee humbly beg leave to inquire whether it has been received or not, as from the prompt acknowledgement with which His Majesty's Government have honored their former communications, they have been led to fear it may not have come into your hands.

The Committee have also authorized me to state that, having referred to certain cases of cruelty exercised upon slaves for attending the religious worship of the Wesleyan Methodists, they are prepared to transmit such particulars of those cases as they have received from their correspondents, if it be the wish of His Majesty's Government.

I am, &c.

(signed) *James Townley.*

— No 3. —

Downing Street, 5th March 1830.

SIR,

I AM directed by Secretary Sir George Murray to acquaint you, in reply to your letter of the 25th ult. that the Memorial to which you advert has been received, and is under consideration.

With respect to the cases of which you complain, it will be for the Committee of the Wesleyan Missionary Society to exercise their own discretion as to making them the subject of representation. The Secretary of State will give due attention to any statements which shall be received from the Committee.

I have, &c.

Rev. Dr. Townley.

(signed) *Horace Twiss.*

—No 4.—

Wesleyan Mission House, 77, Hatton Garden,
March 10th, 1830.

SIR,

I BEG to acknowledge, in behalf of the Wesleyan Missionary Society, your note of the 5th instant. The cases of the punishment of slaves in Jamaica for attending the mission chapel in St. Ann's parish, were not made specific matters of complaint to His Majesty's Government in the Committee's Memorial, but were mentioned to show the hostile feeling of a number of persons in that island to the labours of missionaries, and that the allowance of the clauses affecting missions in the New Slave Act would expose the Wesleyan congregations and their ministers, in Jamaica, to the harshest opposition. I am, however, directed by the Committee to send, for the perusal of Sir George Murray, such extracts (A.) from the letters of Mr. Whitehouse to the Committee, as relate to the cases referred to, which are not, however, the only instances which have occurred of the punishment of slaves for attending the ministry of our missions; and as these instances have chiefly occurred in the parish of St. Ann's and its neighbourhood, they have also appended to these extracts, copies (B.) of a few testimonials in favour of the Wesleyan missionaries, which were given to Mr. Whitehouse after the calumnious Report of the Sectarian Committee appointed by the House of Assembly.

Should Sir George Murray wish to make any inquiries on any points relative to our missions, the Committee wish me to say, that they will, at any time which may suit Sir George Murray's convenience, appoint a deputation to wait upon him.

I have the honour to be, &c. &c. &c.

Horace Twiss, Esq.
&c. &c. &c.

(signed) *James Townley.*

(A.)

Extract of a Letter from Mr. Whitehouse to the Committee, one of the Society's Missionaries stationed at St. Ann's, Jamaica; dated July 1st, 1829.

I LATELY fixed on Henry Williams for a leader or catechist, on account of his being reputed to be eminently pious, and from finding him to be of a superior mind; and now we have on this circuit six zealous slave catechists.

Henry Williams is attached to a property in this parish called Rural Retreat. The owner of this property is a lady who has been for many years in North Britain, and who has employed a Mr. Betty, a magistrate of this parish, to manage her business as attorney. Henry has all along had nearly the sole management of the property. A few days since Mr. Betty said to him, "I hear you are becoming a great preacher at the chapel, but if I hear that you ever go there again, I'll send you to Rodney Hall Workhouse." This is a place of extraordinary punishment, and negroes are sent from different parts of the island to this seat of darkness, because it is generally known that they are treated with the greatest severity. Henry replied, "Master, I am no preacher, but I have been attending the Wesleyan chapel for many years, and have received great good there. Before I went to the chapel I did all that was bad, but by going there I have learnt my duty to God, and my duty to you, master." Mr. Betty said, "I understand you are taking all the people with you to the chapel, and that you are ruining them as well as yourself." Henry admitted that after he had found benefit at the chapel he thought he could not do a better thing than to advise all the people to go too, and said, "Master, I assure you that if it was not for that chapel, people would never mind their business in the way that they are doing." On the following day Mr. Betty visited the property, and had up all the negroes, and threatened them with the severest punishment if he ever knew them to go to the chapel again. One of the women, Henry's sister, heaved a sigh, and was heard by Mr. B., who said, "Who is that groaning?" and perceiving it to be Henry's sister, said, "Lay her

her down, she is one of the preachers too." She was immediately laid down and received a very severe flogging. Mr. Betty afterwards went to the Rev. Mr. Bridges's residence, which is near to Rural Retreat, and, it would appear, told him what he had done; for when Henry, in attending to his business, had occasion to pass Mr. Bridges the next morning, he, Mr. B., came out and inquired of him "Why it was that he did not bring the people to church to be instructed, instead of taking them to that place?" meaning the chapel. Henry replied, "Sir, I have nothing to say against the church; I was christened in the church, and attended it for a long time, but since I have gone to the chapel I have got great good." Mr. Bridges said to him, "Can you read?" Henry answered, "I can read the Scriptures a little, Sir." "Do you ever read the newspapers?" said his reverence. "No, Sir," replied Henry. Mr. B. said, "There is an account in the last week's papers of the Methodists in England having been hanged by hundreds!" After a good deal more from the clergyman, he closed the conversation by informing Henry that his master had told him (Mr. B.) that he had ordered Henry to bring the people there to be instructed, and that if he did not attend to it he must prepare for consequences. After the toils of the day were over, and the shades of the evening rendered it practicable for Henry to come to Bellemont without detection, he did so, for the purpose of informing "his minister," as he said, "of the trouble he was in, and of asking his advice." I felt much for the poor man, but I could not advise him to leave the society, nor would he have been disposed to have done so had I given such advice. He said, "my dear minister, I feel the comforts of religion, and I would rather suffer death than give up my religion." At about half-past eight, P. M. he left the mission premises, after having conversed with me about half an hour, and said, "he would go and do all he could to please his master, but he would not give up his soul to be lost." I felt exceedingly distressed, and was scarcely able to rest through the night. I thought I would rather, if I could have my choice, be lying in a jail as I was last year, than hear as I now do from day to day of the sufferings of the poor defenceless negroes. On Sunday last, the 28th ultimo, I preached at Ocho Rios; on the Monday I went to St. Ann's Bay, where I was informed by some of our friends that a man named Henry Williams had been down from the mountains, desiring to see me; that he was in great trouble, because he expected he was about to be severely punished for not giving over coming to chapel on a Sunday. Almost immediately upon this a person called in and said, "Henry Williams is sent to Rodney Hall Workhouse, to be punished for not promising to give over visiting the chapel." I thought it was my duty to make inquiries into this matter, and on my way to Bellemont this morning I called at several places, and at three of them I was met with the question, "Do you know that Henry Williams is sent to jail because he will not promise to leave the chapel?" I inquired what were the circumstances which immediately preceded his being sent off, and found that, as the church at St. Ann's Bay was undergoing some repairs, Mr. Bridges had been prevailed upon to hold service at his residence in the mountains. Of this Henry had been apprized by Mr. Betty, who had ordered him to attend there with all his people, instead of going to the chapel. Mr. B. also informed him that he himself would be there. At the time appointed Henry was present at Mr. Bridges's service, and so was his master, who, after the service, asked Henry where the people were, and if he had not given orders to bring them all with him? Henry said, the people had said the Sunday was theirs, and that some had gone to chapel, and some in other directions, and informed him that he himself should have been at his chapel but he wished to show his master how desirous he was to obey his orders, adding at the same time that he could not give up the chapel. "Very well," said Mr. Betty, "you come to Cressant Park (Mr. Betty's residence) to-morrow morning, and I will send you to Rodney Hall Workhouse." After this the poor man rode down to St. Ann's Bay; I say rode down, for he is in very respectable circumstances, and I am told was so great a favorite of his old master, the father of the present owner, that he has never been punished before now. I am also told that his intention in going to St. Ann's Bay on the Sunday was to ask my opinion as to the order he had received from Mr. Betty; however, as he did not see me, he concluded that it was his duty to obey the command he had received, painful as he might feel it, and accordingly went to Cressant Park. On his way to this place he called on Mr. Martin, one of our local preachers, and stated all the particulars of the case. The next thing I heard was that one

of Mr. Martin's servants had met him in the custody of another individual, who was conducting him to Rodney Hall, and although he was ready to go unbound, he was lashed round, and had his arms fastened with new ropes. I felt how necessary it was to act with prudence, but as I am fully satisfied in my own mind that one poor man in the course of the last year died from punishment which he received in the St. Ann's Workhouse for coming to our chapel, I felt it to be my duty to endeavour, at least, to prevent a second death of this kind, and therefore rode off to Cressant Park, determined to ask Mr. Betty for what offence he had sent Williams to the House of Correction, and intending to inform him that when any of the members of our society committed themselves, we were ever ready to show our disapprobation of their conduct, but in the event of his professing to have sent Williams to jail because he would attend our chapel on a Lord's-day, that I would inquire into the legality of his conduct. Mr. B. was from home.

Extract of a Letter from the same ; dated July 2d, 1829.

THIS morning I was visited by a female named Sarah Atkinson, a sister of Henry Williams, mentioned in my letter of yesterday. She was kept by her master during his life-time, and by her he had several children, one of whom is still alive. Her master gave her her freedom, and at his death left her an annuity of ten pounds sterling for her life, and to her daughter, now living, he left ten acres of land and a house. I mention these things to show why it is that she is still allowed to remain on the property Rural Retreat, and to come to the chapel without being liable to be punished for so doing. The following is copied from a statement I have just received from her. "Yesterday morning," said she, Mr. Bridges sent a brown girl, a slave of his named Rachael, to me, to inform me that her master, Parson Bridges, wanted to see me. I asked the girl what her master wanted, and she said she could not tell. I went down immediately, and found Mr. Bridges in the Hall, with two gentlemen, Messrs. Hilton and Steer. Mr. B. said to me, as soon as I entered the room, "you see what Henry has brought himself to." I replied, "why, what is the matter, Sir?" he said, "Mr. Betty ordered him to come to service at my house on Sunday, and bring the people with him, and not take them to chapel; but Henry told Mr. Betty that he could not bring the people, as they would go to their own chapel on a Sunday, and that he himself could not give up his religion, but would attend my service as often as he found it convenient." Mr. Betty said to him, "you tell me to my face you will not give up your religion, do you? you come to me to-morrow morning, and I will send you to Rodney Hall Workhouse." Henry went, and is now sent to be punished. "I understand (said Mr. Bridges) that you are constantly going to the chapel; and though Henry is sent to the workhouse for an example, I suppose that you will continue to attend there and take the people with you. I frequently see you pass through my place to go to the chapel." I said, "Sir, I do'nt hide it, I do go to the chapel, and Mr. Betty knows that I go." Mr. Bridges then said, "Mr. Betty has desired me to inform you, that if you will not leave off going to chapel he will dismiss you from the property entirely." I said to him, "Sir, if Mr. Betty will provide for my child, he is heartily welcome to take my house from me, for there is no property in this world that shall make me give up my religion." Mr. Bridges said, "if you continue to talk in that way, Mr. Betty will be sure to trouble you." I answered, "it is in Mr. Betty's power to trouble me; I am a poor woman; and Mr. Betty is a great fish, and might swallow me up; but I will not leave my religion." He said, "I suppose you will be going to see Henry, but I assure you if you are caught doing so you will be prosecuted; I am sorry for Henry, the dismal place he is in is not fit for such a sensible fellow as he is, but he is sent for an example, and I advise you to go to all the people and persuade them to give over going to the chapel, and come and attend the church. Mr. Betty pays taxes to support the church, and the people ought to attend there." I said, "Sir, they are to do as they like; I shall never tell them to leave the chapel, and I shall never leave it myself."

From the above, as well as from my previous remarks, you will perceive what an active part the Rev. Mr. Bridges takes in the opposition we meet with; may I not say he is the main-spring in this machine? He says he is sorry for Henry Williams to be in such a dismal place as the Rodney Hall, *alias* St. Thomas-in-the-Vale Workhouse; and yet this reverend gentleman has two slaves at this moment in this wretched place.

Extract of a Letter from the same ; dated November 4th, 1829.

IN my communications of July 1st and 2d, I informed you of the persecutions endured by a poor man, a slave, a leader in our society at Bellemont, of the name of Henry Williams ; I had expected ere this to have informed you of his death ; but he still lives. Such was his punishment in the Rodney Hall Workhouse, that in a few weeks he became so ill that the manager had the chains taken from him and placed him in the hospital, where it was expected he would give up the ghost. Mr. Betty became exceedingly angry that the manager of the workhouse had released him from his irons, said that his sickness was feigned, and that he would remove him to the workhouse at St. Thomas in the East. His poor wife came to me, almost distracted, and begged that I would undertake the cause of her nearly murdered husband ; and I myself was distressed beyond description. My instructions prevented my interference, and yet I knew of a friendless individual who was being literally butchered for no other offence than that of coming to our chapel. After thinking on the subject a considerable time, I sat down and wrote a letter, which I addressed to the editor of the Watchman, under the signature of a subscriber. The subject of this letter was religious intolerance, and though names were omitted, it was couched in terms which could not be misunderstood, as it directly applied itself to the parties accused. This letter was immediately published, and the conduct of the offending individuals severely censured in an able article, written by the editors of the " Watchman and Jamaica Free Press." This letter, and the article alluded to, had the desired effect ; and in a few days Henry was let out of prison ; but, poor man, he was so cut up with the severe floggings he had received, that his life was despaired of after his return to the property. For several weeks he was confined to his bed, and obliged to lie upon his stomach day and night, his poor back being a mass of corruption. I have some reason to conclude that Mr. Betty suspected me to have been more or less concerned with the above-mentioned letter, as a few days ago he met my servant between St. Ann's Bay and Bellemont, carrying provisions to the latter place. He inquired where she came from, and if she had a passport. Now it is not customary to give passports to servants who travel only where they are well known. But Mr. Betty is a magistrate, and he thought he had an opportunity of doing me a trifling injury, consequently he sent my servant immediately into the charge of a workhouse driver, also the goods she had in charge, and ordered the driver to put an iron collar and chain about her neck ; this was on the Saturday morning early, and the poor woman was kept in close confinement until the Tuesday morning following.

Extract of an Entry in the Journal of the same, under the date of
9 September 1829.

TO day I have been visited by an elderly white lady (Mrs. S.) who, in the course of conversation, said she had called on Mr. Betty, of Cressant Park, on her way to Bellemont, and that he had asked her if she allowed her negroes to come to our chapel ; to which she replied in the affirmative. He inquired why she permitted them to attend, adding, they are ruining the negroes. She said, she herself was in the habit of attending our services, and was perfectly satisfied, from what she saw and heard, that if all the negroes in the neighbourhood would attend to our instructions, they would be greatly improved by going to chapel. He then spoke to her of Henry Williams, and said he was determined to remove him from Rodney Hall Workhouse, to St. Thomas in the East, and, alluding to a negro man belonging to Mrs. S. of the name of George, he said, I intend to subpoena George to prove that this fellow has been in the habit of holding meetings in his house. She informed him that he might do as he pleased about calling up George to give evidence against Henry, but she could give him (George) as good a character as could be given to any negro in the parish, and said she had not punished him for these last sixteen years, not having had occasion to do so. Mr. B. said, he hoped she would not consider what he had said as proceeding from any disrespect either to her or to George, and added, he could prove that Henry had been guilty of stealing pimento. So, after the poor man has been enduring punishment in the Rodney Hall

Workhouse, since the 29th of June, and has become so ill that it is considered necessary to remove him, Mr. B. talks of proving that he has holden illegal meetings in his house, and, if this will not do, he will try to show that he has been guilty of theft! George, belonging to Mrs. S., is a member of our society at Bellemont, and has been so for several years. He is a man of an excellent character, as is known to the white people in this neighbourhood, but his offence, like that of Henry, is coming to our chapel. Not long ago he happened to be passing the residence of the reverend rector of this parish, who ordered him to be laid down and flogged; the order was obeyed, and he received such a severe flagellation that it was with great difficulty that he walked home afterwards, which was not more than a mile distant. Mrs. S. became indignant at this abominable conduct of the parson, and some time after, as soon as George was able to leave home, she sent him to his honour the Custos, with a letter of complaint against the Rev. Mr. Bridges. His honour wrote a letter to Mr. Bridges on the subject, and appointed a day for inquiring into his conduct. The day arrived, and several gentlemen were assembled, whose professed object was to investigate the business, but the reverend gentleman employed a friend of his to compromise the matter with George, which he did, by giving him a trifling sum of money, which he told him he was to consider as satisfaction for the injury Mr. Bridges had done him. This happened but a short time before this reverend gentleman was publicly tried by a special vestry for maltreating a female servant.

(B.)

Copies of Letters from several respectable Planters in the Parish of St. Ann's, Jamaica.

To the Rev. Mr. Whitehouse.

SIR,

I HAVE the pleasure to acknowledge the receipt of your letter, to which I am happy, indeed, to be called upon to answer so great and important a question, as it regards the integrity and usefulness of the Wesleyan missionaries in Jamaica, to whom the community at large stands much and highly indebted for their mission upon the free and slave population, to which I have experienced, and am eye-witness to, of those that attend their ministry.

I have, &c.

(signed) J. R. Coombs,
Planter.

Mount Pleasant, Oct. 3, 1829.

To the Rev. Mr. Whitehouse.

REV. SIR,

I DULY received your note of the 30th ult., and observe its contents. I have had the pleasure of being acquainted with four or five ministers of the Wesleyan Methodist persuasion in Jamaica, whom I have carefully observed, and found to be persons of worth and integrity. It is my firm opinion that the ministers of your persuasion are well calculated to benefit the colony by their pious endeavours and exemplary conduct; and am certain, were they further encouraged, so that a wider field of usefulness might be opened, would be eminently useful to all classes of society.

The beneficial change in persons (both free and bond) attending their ministry is evident to every unprejudiced mind. I have frequently conversed with many, and seen the consistency of their characters.

A striking alteration is perceptible, especially in many of the slave population, who, from being openly immoral, debauched and slovenly, are now honest, upright and cleanly. The disobedience and discontent, which were formerly traits of their character, have greatly given way to obedience and attention to their owners; and of course that coercion which existed, no longer is exercised by those who perceive such beneficial results.

Being

Being an old inhabitant of Jamaica, this moral change of the generality of persons who attend your ministry has not escaped my notice, and I ascribe it to the benevolent exertions of the Wesleyan ministers.

Brood, St. Ann's, Oct. 9, 1829. I am, &c.
(signed) *H. V. Martin.*

To the Rev. Mr. Whitehouse.

SIR,
YOUR letter, dated the 30th of September, I received, and observe its contents. With respect to the Wesleyan missionaries in Jamaica, I think they have done *good* to the slaves, so far as I have seen, in those that have attended their ministry.

Oct. 3, 1829. I am, &c.
(signed) *Robert F. Coombs,*
Planter.

To the Rev. Mr. Whitehouse.

REV. SIR,
I BEG leave to acknowledge the receipt of your letter, and wish I could do justice in stating the effects of the labours of the missionaries, for they certainly are entitled to it. The good they have done in this parish, particularly among the negro population, is incalculable; I speak of what has come under my own knowledge, and I feel confident that if they were allowed to extend their labours to all the properties, the proprietors would benefit by it as much as the moral and spiritual improvement of the slaves, and I sincerely hope that the time is not far distant when they will be permitted to accomplish so desirable an object.

Mount Pisgah, St. Ann's, I remain, &c.
Oct. 6, 1829. (signed) *W. Watkiss,*
Planter.

To the Rev. Mr. Whitehouse.

SIR,
I RECEIVED your letter of the 30th ult., to which I feel happy in answering the question, as it regards the usefulness of the missionaries in Jamaica, which I must confess myself and family have experienced, and notice, from their ministry upon the free and slave population, the great change it has made throughout the island at large, particularly upon those of my friends and neighbours, as well as upon those of my slaves, that attend their ministry, and in the society, that I must confess that the community at large stands greatly indebted to them, to whom I am not able to do justice,

Orange Hill, Oct. 3, 1829. And remain, &c.
(signed) *Richard Coombs,*
Planter.

To the Rev. Isaac Whitehouse.

SIR,
I HAVE to acknowledge the receipt of your favour, dated on the 30th ult., and, in answer to inquiries therein, I cannot in justice deny the very great usefulness and strict integrity of the missionaries in Jamaica, as to my certain knowledge the slave population have been much improved, as also many of the free people with whom I am acquainted.

You have my best wishes, and may God of his infinite mercy strengthen and prosper you in his good word and work, and believe me to

Prospect Hall Pen, St. Ann's, Remain, &c.
Oct. 9, 1829. (signed) *W. Foreman.*

— No. 5. —

Downing Street, 6th May 1830.

MY LORD,

I TRANSMIT to you the enclosed Extract of a Communication which I have received from the Wesleyan Missionary Society.

Your Lordship will perceive, in the statements which have been made to the Missionary Society by Mr. Whitehouse, one of the missionaries, that Mr. Betty, who is represented to be a magistrate in Jamaica, is accused of extreme oppression and cruelty towards a slave named Henry Williams, attached to an estate called "Rural Retreat," of which Mr. Betty has the charge, as attorney of the proprietor. The statements also imply that Mr. Betty's conduct was in some degree instigated by the Rev. Mr. Bridges; and this latter gentleman is himself accused of having caused a slave named "George," who was a member of the Wesleyan society, to be flogged, although this slave was not the property of Mr. Bridges, but of a person who is described as "Mrs. S."

It would be with great regret and reluctance that I would admit the supposition that any foundation exists for attributing to either of these gentlemen the proceedings or the motives thus imputed to them. But I feel it impossible, in justice to them or to the colonial magistracy, of which one or both of them are members, to receive these statements without apprising them that such have been made, and giving them an opportunity to vindicate their conduct. Your Lordship will therefore transmit copies of the enclosed papers to each of the parties accused, together with a copy of this despatch, and acquaint them that you are ready to receive any communication which they may wish to make upon the subject. If your Lordship shall in consequence receive explanatory statements from them, you will, with the assistance of your confidential legal advisers, examine these statements for the purpose of ascertaining whether it be necessary to inquire further into the truth of the account given by Mr. Whitehouse, and to call upon him to substantiate it; and you will, so far as may appear to you to be requisite, communicate the answers of each party to the other, for the purpose of enabling yourself to judge between them, and to transmit to me your Report and opinion, together with the materials on which they shall have been founded.

I have, &c.

The Earl of Belmore,
&c. &c. &c.

(signed) G. MURRAY.

— No. 6. —

King's House, Jamaica, 10th August 1830.

SIR,

REFERRING to your despatch of 6th May, I have the honour to inform you that I have received the answers of Mr. Betty and Mr. Bridges to the charges preferred against them by one of the Wesleyan missionaries.

These papers have been placed in the hands of the Attorney-General, for the purpose of considering whether any, and what further investigation may be necessary in regard to Mr. Whitehouse's statement.

I have the honour to be, &c. &c. &c.

(signed) *Belmore.*

Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

— No. 7. —

Downing-street, 30th September 1830.

MY LORD,

I AM directed by Secretary Sir George Murray to acknowledge the receipt of your Lordship's despatch of the 10th August last, in which you report that answers to the charges preferred against Messrs. Betty and Bridges have been received, and placed by your Lordship in the hands of the Attorney-General of Jamaica, for the purpose of considering what further investigation may be necessary in regard to Mr. Whitehouse's statement. As it is desirable that this Office should be in full possession of the circumstances of this case, I am to request that your Lordship will cause copies of these papers to be transmitted to this Department.

The Earl of Belmore,
&c. &c. &c.

I am, &c.
(signed) *H. Twiss.*

— No 8. —

King's House, Jamaica, 27th August 1830.

SIR,

I HAVE the honour to enclose, for your information, the copy of a Report from the Attorney-General, founded on the accompanying answers of the Rev. Mr. Bridges and Mr. Betty, to the charges preferred against them by Mr. Whitehouse. And I shall, in compliance with the Attorney-General's recommendation, call upon Mr. Whitehouse to substantiate his complaint against Mr. Betty, by transmitting authentic documents, verified on oath, to the Crown-office, when proceedings will be adopted, consonant with the principles of British judicature, to obtain a full and impartial investigation of the matter, so as to ensure a legal conviction or acquittal.

I have the honour to be, &c. &c. &c.

(signed) *Belmore.*

The Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

Spanish Town, 27th August 1830.

SIR,

I BEG leave to acknowledge the receipt of your letter of the 10th instant, enclosing copies of a despatch from the Colonial-office of the 10th of May, and of communications from Mr. Betty and the Rev. G. W. Bridges, and requesting that I would take the same into consideration, and report to his Excellency the Governor my opinion whether any and what further proceedings are necessary to be adopted.

Adverting to that part of Sir George Murray's letter to the Earl of Belmore in which he states that, should his Lordship receive explanatory statements from Messrs. Betty and Bridges, he was to examine them, for the purpose of ascertaining whether it were necessary to inquire further into the truth of the account given by Mr. Whitehouse, and to call upon him to substantiate it; and as both Mr. Betty and Mr. Bridges decline to enter into any discussion whatever, with Mr. Whitehouse, on the merits or demerits of the complaint preferred by him against them, I am unable to form any opinion on the statement of Mr. Whitehouse, uncorroborated, as it were, by the oath of the accuser himself, or by the testimony of others who are competent to substantiate the same before the ordinary tribunals of this country.

I take the liberty, therefore, of recommending, to his Excellency the Governor, to direct a communication to be made to Mr. Whitehouse, that if he be prepared to substantiate the complaint which he has made against Mr. Betty, that his proper course to pursue is, to lay authentic documents, verified by oath, in the

Crown-office, where proceedings will be adopted, consonant with the principles of British judicature, to obtain a full and impartial investigation of the matter, so as to ensure a legal conviction or acquittal.

As far as the Rev. G. W. Bridges is implicated, it is justice that I should convey to his Excellency my humble opinion, that he has refuted the charges which tend to cast a reflection on his character as a clergyman, by the unjust insinuation of harshness and severity of the confinement of two of his domestics in the Rodney Hall Workhouse, which is designated by Mr. Whitehouse as the "Seat of Darkness;" whereas it appears that one is a criminal sentenced by the laws of the island to imprisonment for life, and the other is employed as a hired domestic by her own free will and consent.

The alleged punishment of a slave not the property of Mr. Bridges is distinctly denied, and relates to an occurrence which took place several years back, when he was ordered off the property, where he had been detected trespassing on the provision grounds of Mr. Bridges's servants, since which period, Mr. Bridges states, he has evinced towards the same individual trifling acts of kindness, which Mr. Whitehouse has illiberally converted into measures of compromise to avert a persecution.

I have the honour to be, &c. &c. &c.

W. Bullock, Esq.

(signed) *Hugo James.*

St. Ann's, July 25th, 1830.

MY LORD,

I HAVE the honour to acknowledge the copies of a despatch from the Colonial-office, and of certain documents accompanying the same, transmitted to me by your Lordship's Secretary, with a letter of 16th instant, stating that your Lordship would be ready to receive any communication which I may wish to make upon the subject.

The gross calumny heaped upon me, by a person of the name of Whitehouse, designating himself as a Dissenting preacher in my parish, resolves itself into three specific charges, in reply to which, I beg leave to submit the following remarks to your Lordship's consideration.

I am first charged with having encouraged Mr. Betty, a magistrate of my parish, in his alleged severity against a negro, who belongs to a property adjoining my residence, because that negro was a sectarian.

I undoubtedly did use all my power to rescue that negro from the trammels of sectarianism, and as he appeared an intelligent person, I felt a particular interest in the success of my exertions, especially as I know that it was the anxious desire of his manager that he should not continue to attend these itinerant preachers. During the time my church was under repair I performed Divine service, sometimes to very large congregations, at my own house, to which I invited all around me, and amongst others, the slaves belonging to Rural Retreat; but I used no threat, no compulsion, nor indeed could I use any with those who were not under my control.

The next charge preferred against me is that of having severely punished an inoffensive negro belonging to a stranger.

The fact is, that the negro in question was in the habit of trespassing on my premises, and my own servants having been continually preferring complaints of depredations committed by him, I certainly, on one occasion, several years ago, and after giving him repeated warning, without effect, took the law so far into my own hands as to order them to drive him from their gardens where he was idling. When one of the cattle boys cracked a whip at him, and followed him running to the gate. But that he received any such flagellation as is malignantly described by this Methodist preacher, I absolutely deny; nor was I then aware, as is insinuated by that person, that he was under the influence of the sectarians. I have since married that man, and had the opportunity of rendering him trifling service, which, under that malicious influence, seems to have been construed into an anxious act of compromise.

With regard to my having two negroes in the St. Thomas in the Vale workhouse, a place which is described by Mr. Whitehouse as the last resort of human wretchedness, but which is generally esteemed the best regulated place of correction

correction in the island ; one of these slaves was no prisoner, she was hired there, and is so still, as a laundress, with her own free will and consent. The other was a prisoner, and has since been tried, and judicially sentenced to confinement for life.

I have thus, my Lord, as far as I conceive it necessary to notice the calumnies and dark insinuations of an artful sectarian, answered the charges preferred against me. But your Lordship will not fail to observe, that the head and front of my offending is embodied in the charge of Mr. Whitehouse accusing me of being "the mainspring of the machine" which counteracts the sectarians.

With the high law authorities of the colony officially arrayed against me, under the orders of the Colonial-office, unsupported by my Diocesan, persecuted and helpless, I am still proud to avow my conscientious opposition to the interference of these artful intruders, with which the island generally, and my own parish in particular, has lately become inundated. Need I assert that herein I have been solely influenced by a sincere conviction that their interference is uncalled for, their influence dangerous, and their doctrines utterly subversive of the peace and good order of this community. The great body of our population has yet no fixed principles of religion at variance with the sound doctrines or discipline of the Church of England, they therefore can require no such toleration of sectarianism as may tend to impress on their unoccupied minds false or even doubtful tenets, while our own extended Establishment is desirous of, and now quite competent to, the union of them all in one fold. The experience of an uninterrupted period of thirteen years residence as rector of two extensive parishes in this colony has taught me, that the mercenary persons who arrive here to make a trade of religion amongst the lower orders, instead of uniting with us in the dissemination of the universal principles of obedience and industry, find it to their own advantage to render the slaves dissatisfied with the allotment of Providence, by instilling into their minds gloomy sentiments which affect their happiness, while they facilitate the extortion of those resources which might be more usefully employed in providing for the comforts of their families, or preserved as the means of purchasing their freedom ; and this mercenary purpose they effect more easily through the pernicious doctrine that the more severe the privations, and the greater the troubles, which the slaves may bring upon themselves in this life, the brighter are their prospects of the next. When I observe around me many who were contented, now poor, spiritless, and dejected, I cannot, as a Christian clergyman, behold the progress of such extensive mischief without employing my humble but zealous endeavours to save my flock from wholesale misery ; but I have never controlled their religious feeling by unfair means ; my house is open to family prayers every evening, but I have confined my interference to inviting them there, and to the offer of my best advice ; I have not gone into corners to tamper with any, an unfair advantage which the sectarians take over the clergy, but what I have thought it necessary to say has been delivered from my own pulpit in the parish church.

In reference to that part of your Lordship's letter alluding to an interchange of communication with Mr. Whitehouse, I beg leave to state that I can never submit to such a degradation. My desire has been to live at peace with all people, whatever their religious persuasion ; and I have more than once endeavoured to conciliate the sectarian ministers in my parish to a joint effort in the common cause of Christianity ; but such union would interfere with their mercenary monopoly, and therefore I have been uniformly disappointed and wantonly interfered with, persecuted by artful malevolence and falsehood, and my congregation drawn from me by their seductive artifices. It has thus become my duty, as rector of this extensive parish, to use every effort to recal my alienated flock to the church ; and although, from sad experience, I have been made aware how much my own interest and peace have been sacrificed by so openly exposing myself to artful and prevailing misrepresentation, I find support in a just sense of that duty which is required of me as a minister of the Established Church.

Although overwhelmed by the violence of fierce and unrelenting antagonists, I have thus, my Lord, felt myself called upon, in justice to my own character, to avow these fixed principles, which, after a very long sacrifice of health and peace of mind in the prosecution of my arduous duties here, have now subjected me to

the utmost efforts of sectarian malignity, as the supposed "mainspring" of the opposition to it, to the artful accusation of my own suborned slave, defeated only by the fortunate circumstance of my possessing European domestics, to the great prejudice and injury of my professional character in England, and to the entailing upon me expenses well nigh to the ruin of my family.

I have the honour to be, &c. &c. &c.

(signed) *Geo. W. Bridges.*

His Excellency the Earl of Belmore.

St. Ann's, 5th July 1830.

SIR,

I HAVE the honour to transmit, through your hands, a reply to the communication of his Excellency the Governor of 16th ultimo.

I have, &c.

W. Bullock, Esq. &c. &c.
King's House.

(signed) *James Betty.*

St. Ann's, 5th July 1830.

MY LORD,

I HAVE had the honour to receive, through the channel of your Lordship's Secretary, a copy of a despatch from Sir George Murray, together with a representation from an itinerant preacher, that, being a magistrate of St. Ann, I had treated with improper severity a slave under my charge, and who belongs to the fraternity over which Mr. Whitehouse presides.

In the first place, I solemnly deny ever having exercised any authority over a slave under my charge, in my character as a magistrate. Had any case occurred which called for the interference of the civil power, it is reasonable to suppose (and it requires all the suspicion and bad feeling of a sectarian to insinuate to the contrary) that I should have appealed to some other magistrate. Whenever I have found it necessary to punish slaves under my charge, I have done so according to the provisions of the Slave Code. This charge seems to have acquired greater importance from my having presumed to chastise a slave who holds some official situation under Mr. Whitehouse; I was certainly not aware that these preachers possessed any power to transfer to the tabernacle the obedience which slaves owe to their masters; but if this be the case, it would be only fair that some public notice should be given, so that persons in ignorance, like myself, may be able to avoid interfering with such hallowed characters. Hitherto slaves, when they had suffered any grievance from their overseers or others, have appealed to their master or his representative, and from thence had a further appeal to the magistracy, and their complaints were often carried to the Governor. But now there appears an attempt to interpose a new authority, superceding all others, and one of a most mischievous tendency; when, instead of negro complaints receiving a sober and dispassionate consideration, they are to be disposed of according to the caprice of some low ill-disposed fanatic. If such doctrine be not put down, there is an end of that control without which slavery cannot exist. The statement of Mr. Whitehouse is such a compound of the grossest falsehood and misrepresentation, mixed up with a very slender portion of truth, that it is difficult to separate the ingredients. I certainly did confine Henry Williams in the St. Thomas in the Vale workhouse, for disobedience of my orders, in fact openly setting me at defiance before the rest of the slaves; I had an undoubted right to do so; and I do not consider myself responsible for that act. That the slave became sick there, and that I removed him, is equally certain; and had he died in confinement, these canting hypocrites would have reproached me with having been the cause of his death, although an able medical person regularly attends the establishment; and they would have done so with the same justice with which Mr. Whitehouse has cast a foul aspersion upon the parish of St. Ann, stating that a slave had died in the workhouse from excess of punishment. That is a charge from which it belongs to the parochial authorities to exonerate themselves.

Referring

Referring to the melancholy picture which Mr. Whitehouse has drawn of the St. Thomas in the Vale workhouse, I preferred that place of confinement because I know that it is under very judicious management, that proper and sufficient food is supplied, and, whether the prisoner be poor or rich, they have nothing but the prison allowance; whilst at St. Ann's Bay the discipline is more relaxed; the friends and acquaintances of the prisoners have access to them, and, what is still more objectionable, they are exposed to the mischievous councils of canting Methodists. I am sorry to speak with harshness of any set of men, and until the present time I have never come into contact with sectarianism; but twenty-three years experience, and the visible alteration in the manners and habits of the slaves within the last ten years, teach me that these dissenting preachers will inevitably bring the country to ruin; especially if their most improbable calumnies are countenanced by the highest authorities in the State.

As far as my name is implicated with Mr. Whitehouse, I can appeal with confidence to all those who have witnessed my conduct from the time of my arrival in the island, whether they have ever known an instance of my having treated either my own slaves, or those of others under my charge, with harshness or severity. It is with great reluctance that I am induced to speak of myself; but were I disposed to enter into particulars, I could easily prove that I never was harsh or severe with the slaves under my charge; one convincing instance to the contrary is, that the slaves of every property under my management have increased in number. This is seen by any one who wishes a reference to the public records of the parish. I'll instance the property I have resided on for twenty-one years, as the most proper, (Cressant Park): when I first took charge of it as overseer, the number of slaves was eighty-nine; shortly after the proprietor sold three and removed five, for improper conduct, and the number at the present time is one hundred and two, and which increase is without any accession by purchase or transfer.

Conscious that I have done nothing deserving reproach, I am ready to meet any charge which may be preferred against me in a court of justice, where my actions will be investigated before a legal tribunal of twelve honest men; but with all the deference I feel for the Colonial-office, I never will consent to answer interrogatories.

I beg leave, my Lord, to add, in allusion to that part of Sir George Murray's despatch which anticipates the possibility of some further reference to Mr. Whitehouse, that I will enter into no controversy with that man. I am perfectly indifferent to his assertions or denials; and I humbly hope that your Lordship will be pleased to consider this letter as the only answer I feel myself called upon to make to Sir George Murray's despatch.

I have the honour to be, &c. &c. &c.

(signed) *James Betty.*

To the Right Hon. the Earl of Belmore,
&c. &c. &c.

— No. 9. —

Downing Street, Dec. 9th, 1830.

MY LORD,

YOUR despatch, dated the 27th of August last, enclosing a copy of a Report from the Attorney-General of Jamaica, founded on the answers of the Rev. Mr. Bridges and of Mr. Betty, to the charges preferred against them by Mr. Whitehouse, has been received at this Department.

I observe that your Lordship entertained the intention of calling upon Mr. Whitehouse to substantiate his complaint against Mr. Betty, by transmitting authentic documents, verified on oath, to the Crown-office, "when," your Lordship adds, "proceedings will be adopted, consonant with the principles of British judicature, to obtain a full and impartial investigation of the matter, so as to ensure a legal conviction or acquittal."

Your Lordship will do me the justice to believe that I am not less zealous than yourself to maintain, in all the acts of the executive Government, a steady adherence to those principles of impartial justice of which the "British judica-

ture" is the great security. I am bound to add, that I cannot discover in the conduct of my predecessor in office, in this case, any indication of a disregard of that principle. The constitutional rights of every class of His Majesty's subjects in Jamaica are, I cheerfully admit, not less sacred than those of the corresponding classes of society in Great Britain; and His Majesty will not, upon the advice of his Ministers, ever assume any authority over the colonial magistracy which he is not entitled to exercise over the magistrates in England. The office, both in the colony and in the mother country, being gratuitous, and attended as it is in both with much inconvenience and even risk, the thanks of His Majesty's Government, and of the public at large, are justly due to those gentlemen who undertake, and faithfully execute, so onerous a duty. It must not, however, be forgotten, that the magistracy is a trust, of which the Crown, through its proper officers, is entitled to demand an account. A justice of the peace may often make an improper use of his powers without exposing himself either to an action or an indictment, or he may, by personal misconduct unconnected with his judicial duties, render himself unfit to bear His Majesty's commission. When such cases occur in England, either the Lord Chancellor or the Secretary of State for the Home Department habitually demands from the magistrate accused an explanation of his conduct; and such applications are never, so far as I am aware, resented by the gentlemen to whom they are addressed as injurious or unconstitutional. I do not perceive, therefore, with what propriety Mr. Betty, while professing deference to the Secretary of State, can peremptorily refuse to answer his inquiries.

Mr. Betty can scarcely mean to represent that the charge preferred by Mr. Whitehouse was of so insignificant a nature that even if true it should not have attracted the attention of His Majesty's Government. He was accused of threatening to send his slave to gaol if he continued to teach among the Methodists, and with repeating that threat to the whole body of his negroes. He was represented as having inflicted a very severe flogging on the sister of his slave Henry Williams, because she sighed on hearing this threat addressed to her brother. He was reported to have carried his threats against Henry Williams into execution by imprisoning him in Rodney workhouse, in chains, until he was at the point of death. The slave was said to have been so cut up with severe floggings that for several weeks his life was despaired of, and he was "obliged to lie upon his stomach day and night, his back being a mass of corruption." Mr. Betty was further accused of having ordered the confinement in prison of a female slave of Mr. Whitehouse's, with an iron collar about her neck. Lastly, he was said to have preferred against the slave Henry Williams a false and calumnious charge of theft. Your Lordship will not understand me as intimating any opinion of the truth of these imputations; but if, for the sake of argument, they were supposed to be true, Mr. Betty's dismissal from the magistracy would of course be inevitable. It is evident, therefore, that their truth or falsehood was a fact into which Sir George Murray was not merely entitled, but was strictly bound to inquire.

Mr. Betty professes his readiness to meet any charge which may be preferred against him in a court of justice, where, he says, his actions will be investigated before a legal tribunal of twelve honest men. I cannot admit, in the present case, the validity of this excuse for declining to give the explanations required by my predecessor in this office. Your Lordship will observe that Mr. Betty is not so much accused of acts positively illegal, as of a cruel and unjust use of his legal powers. I am not aware that he could be put on his trial in any court of justice for the threats which he is said to have addressed to his slaves respecting their religious observances. In his own domestic establishment he is, I apprehend, by the colonial law, a judge without appeal of the faults imputed by himself to his slaves, and if he really thought fit to flog a woman because she sighed at hearing her brother threatened, such an act of power, revolting though it may be to every just feeling, would hardly constitute an indictable offence. Even the imprisonment and the severe floggings of Henry Williams are matters not cognizable, to any practical effect, in the courts of Jamaica, because the master's right to whip, and even to imprison his slaves, is undisputed, and because every court must, in such a state of law, presume that the punishment inflicted was really deserved, unless the contrary can be shown. It is not said that Henry Williams ever received a greater number of stripes than the law allows; and

and to prove that no offence was committed justifying severe punishment, would be to establish a negative, in its own nature scarcely susceptible of proof. The shocking consequences which resulted from his punishment might, obviously, in a man of delicate health, be produced by a whipping which should not exceed the legal limitation. Mr. Betty's appeal to the legal tribunals of the colony, in justification of his silence on this occasion is, I therefore think, not fairly made.

It must further be remembered that the court and jury before whom alone Mr. Betty will submit to have his conduct tried, could not fairly investigate the case, because the law of the island has disqualified the only persons to whom the facts are intimately known, from giving evidence respecting them. So long as the legislature of the colony shall maintain the distinction between the evidence of slaves and of free men, the gentlemen of Jamaica must be content to bear the inconvenience to which such a state of law must subject them. They must not be surprised if the acquittals of the colonial courts fail to convince mankind of the innocence of the accused party : and persons invested with any public trust must be called upon for exculpations which, under a different system of law, it might be unjust to require.

It is further to be noticed, that the Secretary of State has no power to compel Mr. Whitehouse to prosecute Mr. Betty, and there may be very sufficient reasons why Mr. Whitehouse, without any impeachment of his character, might decline the office of prosecutor. With the most conclusive moral evidence, he might be defeated, if his witnesses were slaves ; or in the humble condition of life to which he belongs, Mr. Whitehouse may not have the funds necessary for conducting a prosecution. I therefore cannot concur in the accuracy of your Lordship's judgment that this case was sufficiently disposed of by requiring Mr. Whitehouse to send depositions on oath to the Crown-office.

I have entered thus largely into this subject from my anxiety to place your Lordship in full possession of the principles by which the conduct of His Majesty's Government will be guided in the present and in every similar case. While, on the one hand, they will never attempt to withdraw from the established courts any question properly falling within their cognizance, or to anticipate the judgment of those tribunals, they will, on the other hand, demand from every person holding a commission from the Crown, an answer to any specific charge preferred by a responsible person, and which, though not capable of a satisfactory investigation in a court of law, may seriously affect the reputation and character of the public officer so accused:

Above all, as the only means of mitigating in any degree the evils inseparable from the existence of slavery, they will in no case consent to the authority of a magistrate being suffered to remain in the hands of any person who cannot satisfactorily show that no ground exists for imputing to him a want of humanity, either in his official capacity or as a proprietor of slaves. It is to the magistrate alone that the latter have to look for protection from the abuse by their masters of the almost unlimited power they possess. This protection it is his first duty to afford, and if, instead of doing so, he is himself under just suspicion of undue severity, he is evidently unfit for his situation.

Your Lordship will have the goodness to communicate to Mr. Betty a copy of the preceding parts of this despatch, acquainting him that I earnestly hope he will retract his determination to withhold any answer to the charges of Mr. Whitehouse, and fixing a time within which that answer will be received, but at the same time apprising him that if he should see fit to persist in maintaining silence on this subject, his name will be erased from the commission of the peace, not indeed as a man guilty of the offences laid to his charge, but as a magistrate who deliberately withholds from the King's Government that vindication of himself which it is at once their right and their duty to require. Your Lordship will, without further reference to this Office, erase the name of Mr. Betty accordingly, if unfortunately he should not give the required explanations.

Of course if any legal proceedings should have been taken against Mr. Betty, no explanation must be demanded from him by which he could be prejudiced in his defence, or which would involve any question which may be awaiting the decision of any legal tribunal. The preceding instructions have been given on the supposition that Mr. Whitehouse would be unable or unwilling to prosecute, or even that a prosecution may have failed owing to the reasons already adverted to.

I concur with your Lordship in opinion that the answers given by the Rev. Mr. Bridges, as far as respects the punishment of his own slaves, and the case of the slave named "George," are satisfactory. Yet even with reference to these cases, I cannot exclude the remembrance of the fact that the alleged sufferers can neither sue for damages, nor be heard as witnesses in a criminal prosecution, a state of law which renders it impossible for the most innocent man effectually to relieve himself from all suspicion when accused of injustice or oppression towards persons in a state of slavery.

I have not succeeded in discovering whether Mr. Bridges intends to admit that he encouraged Mr. Betty to send Henry Williams to gaol for attending a Methodist meeting. If Mr. Bridges did really promote or countenance any such proceeding, he must allow me to remind him that his laudable zeal for the interests of the Church of England might be much more usefully and effectually exercised in endeavouring to bring back Dissenters to her communion by gentleness and persuasion. The inutility of all opposite methods, and the certainty with which persecution counteracts its own design, are truths which I had hoped it was quite superfluous to inculcate in the present age of the world.

I have the honour to be, &c. &c. &c.

The Earl Belmore,
&c. &c. &c.

(signed) GODERICH.

— No. 10. —

King's House, Jamaica, 6th Oct. 1830.

SIR,

REFERRING you to my despatch of 27th August last, on the subject of the charges preferred against Mr. Bridges and Mr. Betty by Mr. Isaac Whitehouse, I have now to acquaint you that all further proceedings against Mr. Betty have been rendered unnecessary by the unfortunate event of that gentleman's death.

I have the honour to be, &c. &c. &c.

(signed) *Belmore.*

The Right Hon. Sir George Murray, G. C. B.
&c. &c. &c.

— No. 11. —

Downing-street, 14th December 1830.

MY LORD,

WITH reference to my despatch of the 9th instant, respecting the case of Mr. Betty, I have received your Lordship's despatch of the 6th October last, announcing that gentleman's death. This event supersedes the necessity of carrying into effect the instructions contained in my despatch of the 9th instant respecting Mr. Betty, which, however, I do not deem it necessary to cancel, since it will serve to explain to your Lordship the views I have taken of the general questions connected with this subject, and may, therefore, be not without its use on a future occasion of a similar nature, if any such should unhappily occur.

I have, &c.

The Earl Belmore,
&c. &c. &c.

(signed) GODERICH.

— No. 12. —

77, Hatton Garden, London, Dec. 8th, 1830.

MY LORD,

IN behalf of the Committee of the Wesleyan Missionary Society, I take the liberty to transmit to your Lordship, copies of correspondence between William Bullock, Esq., Secretary to the Governor of Jamaica, and Mr. Whitehouse, one of the Society's missionaries in that island. In explanation of this correspondence, it may be necessary to state to your Lordship that, on the 12th of February 1830, the Committee of the Wesleyan Missionary Society addressed a memorial to Sir George Murray, praying His Majesty's Government to disallow certain clauses in a Consolidated Slave Law recently passed by the Jamaica Legislature, and which contained clauses injuriously restrictive upon the religious liberties of the missionaries and their congregations. As an additional reason why the liberties of the missionaries and the religious slaves should not be left at the mercy of the planters of Jamaica, some cases of harsh and cruel treatment inflicted upon religious slaves on account of their religion, which had recently occurred, were also stated to Sir George Murray, not as complaints, or as calls for interposition as to those cases of oppression, but as showing the *animus* of leading persons in that colony towards the missionaries and their people, and as reasons why our religious liberties should not be left in their hands. One of these cases was that of a slave, a member of the Wesleyan Society, who was most cruelly treated by a Mr. Betty, a magistrate and an attorney for the estate to which the slave was attached. In this memorial the cases were stated in brief, and without names; but at Sir George Murray's request, extracts from Mr. Whitehouse's journal, sent home to the Committee, (as is done by all our missionaries), for the Committee's information, but without any view on his part to publication, were transmitted to the Colonial-office.

The copy of this communication, it appears, was sent by Sir George Murray to the Governor of Jamaica, with directions to make inquiry into the case; and Mr. Betty's defence, in a letter to the Governor, has already appeared in the Jamaica papers, which consists of general assertions of his own humane habits, and of illiberal attacks upon the sectarians; but contains, in fact, no disproof, or even specific denial of the facts. Whether Sir George Murray intended the inquiry which he directed to be instituted in Jamaica to be simply into the facts, as matters of information, or that it should be a judicial process, is not for the Committee to determine. The issue, however, has been, that an attempt has been made to put Mr. Whitehouse into the position of a complainant to the authorities of the island, and to require him to give legal evidence to the facts, which, as resting upon the testimony of slaves, he is not, of course, able to do. He has therefore declined the affair in the form in which it was attempted to lay it upon him, although he stands prepared to do all in his power to forward any inquiry which may be instituted by the Council of Protection, or the legal authorities of the island. The Committee regret to be obliged to conclude, that the whole proceeding in Jamaica, in consequence of Sir George Murray's despatch, appears to have been an unworthy manœuvre to bring Mr. Whitehouse into discredit, as not being able to prove the charges upon legal evidence, which he never professed to have power to do, and to exculpate Mr. Betty at his expense. The Committee have therefore thought it right to transmit the copies of the correspondence on this affair, which they have received from Mr. Whitehouse, for your Lordship's information.

I have the honour to be, &c. &c. &c.

(signed) *James Townley, D. D.*The Right Hon. Lord Goderich,
&c. &c. &c.

Copy of a Letter from William Bullock, Esq. to Mr. Whitehouse.

King's House, August 31st, 1830.

SIR,

HIS Majesty's Attorney-General having recommended His Excellency the Governor to direct a communication to be made to you, that "if you are prepared to substantiate the complaint which you have made against Mr. Betty, the proper course to pursue will be to lay authentic documents, verified by oath, in the Crown-office, when proceedings will be adopted, consonant with the principles of British judicature, to obtain full and impartial investigation of the matter, so as to ensure a legal conviction or acquittal," I have been commanded by the Governor to make such communication to you accordingly.

I am, &c.

(signed) *W. Bullock.*

Copy of Mr. Whitehouse's Reply.

St. Ann's Bay, 15th Sept. 1830.

MY LORD,

I HAD the honour of receiving, on the 9th instant, in St. Ann's, a communication from your Lordship's Secretary, bearing date the 31st ultimo. In reply to this communication, I beg leave to assure your Lordship of my firm belief of all that I wrote concerning Mr. Betty. But your Lordship must be aware that I am not possessed of that judicial authority necessary to procure evidence of the nature required, and without the exercise of such authority, the evidence which I can lay in the Crown-office would amount (as may easily be perceived from the nature of the statements I have made) to nothing more than a general expression of my belief in the truth of the charges. If your Lordship will take the trouble of adverting to the extracts sent to you from my letters, you will at once perceive that I have not advanced one allegation of my own personal knowledge, that I had no communication whatever with Mr. Betty, and that the whole case, as stated by me, rests on the evidence of other persons, over whom I have no control. This will more clearly appear by an analysis of the case with reference to the evidence bearing on its several parts.

The substance of the charge against Mr. Betty, as deduced by Sir George Murray from the plain facts detailed by me, is, that he sent the slave Henry Williams to the workhouse of St. Thomas in the Vale, had him severely punished, and kept him there for upwards of two months and a half, and that all this severity was exercised towards him because he refused to promise to refrain from attending the Methodist chapel on Sunday. The additional circumstances alleged, such as the anger expressed by Mr. Betty at the relief afforded to the slave during his illness by the manager of the workhouse, and his threat to send him to St. Thomas in the East workhouse, while sick, by way of further punishment, tend to show the spirit with which Mr. Betty was actuated; but as the menace was not carried into effect they are not otherwise material. The fact, then, of the punishment having been inflicted by the order of Mr. Betty, its nature and extent, and the illness of Henry Williams caused by it, are all capable of proof by the manager of the St. Thomas in the Vale Workhouse, in 1829. The motives which actuated Mr. Betty, and the causes which induced him to resort to such severity, can of course be best collected from his own declarations; and, indeed, if the punishment in itself was within the limits assigned by the law, it is obvious that this is almost the only kind of proof which the case, as one of alleged cruelty, would admit of on this point; accordingly, if my statement is referred to, it will be seen that evidence of this nature is to be found,

1st. In the threats held out to Henry Williams, on two occasions, the latter occasion being in the presence of all the negroes on the property, that, "if he went to chapel again he would send him to Rodney Hall Workhouse." As I believe that none but slaves were present, and their testimony would not be received, I should not advert to this as part of the evidence, did I not conceive that Mr. Betty has admitted the fact in his letter to your Lordship, to which I shall presently have occasion to allude more particularly.

©

2nd. In

2nd. In the statement made by Mr. Betty to Mr. Bridges, as detailed by the latter to Henry Williams, that "he had ordered Henry to bring the people to church to be instructed, and that if he did not attend to it, he must prepare for consequences." Here Mr. Bridges is the witness.

3rdly. In the discussion which took place on the following Sunday between Mr. Betty and Henry Williams, when Mr. Betty expressly said that he would send him to Rodney Hall Workhouse the next day, because "he would not give up his religion," as related by Mr. Bridges to Sarah Atkinson, in the presence of Messrs. Hickling (called by mistake Hilton) and Steer. Here again Mr. Bridges is the witness.

Lastly. In the conversation which occurred between Mrs. Simpson and Mr. Betty, relative to Henry Williams, a few days before he was released from the workhouse, when Mr. Betty evidently showed the motives which influenced his conduct, and threatened to use greater severity towards the unfortunate being placed under his control. Here Mrs. Simpson is the witness.

But, my Lord, the case does not rest here. You have in your possession, as I contend, the virtual admission, by Mr. Betty, of the charges brought against him. I allude to his letter addressed to you, and although not furnished to me officially, as contemplated by Sir George Murray, I conceive I have a right to allude to it, since the writer has chosen to publish it in the newspapers of the island.

I pass by with pity the virulent abuse and the unfounded calumnies towards Dissenting Ministers, with which he has attempted to veil the real character of his "answer" to the charges made against him, and I proceed to the only part of his letter which is not beside the question. He says, "I certainly did confine Henry Williams in the St. Thomas in the Vale Workhouse for disobedience of my orders, in fact openly setting me at defiance before the rest of the slaves. I had an undoubted right to do so, and I do not consider myself responsible for that act. That the slave became sick there, and that I removed him, is equally certain." If, then, my Lord, Mr. Betty, in answer, admits that he inflicted the punishment "for disobedience of his orders" before the rest of the slaves, without stating the nature of the orders which he gave, is it not a plain inference that their nature had been correctly stated in the documents transmitted to him, and that the cause assigned for the punishment of Henry Williams was the true one? How materially this admission bears on the main facts of the case, the slightest reflection will suffice to show, since the chief point is that the punishment was wanton and uncalled for.

I have now, my Lord, gone through the details of the case as presented in the documents before your Lordship, so far as was necessary to point out the bearing of the evidence; and having shown on whose testimony it rests, I would particularly advert to the "course" which the Attorney-General has prescribed for my adoption, in order "to obtain a full and impartial investigation of the matter." I am required "to lay authentic documents, verified by oath, in the Crown-office." But, my Lord, admitting for a moment, in its fullest extent, the great authority with which Mr. Betty appears in his letter to have invested me as a Dissenting Minister, Mr. Attorney-General cannot really imagine that I have power to call the manager of St. Thomas in the Vale Workhouse, and Mr. Bridges, and Mrs. Simpson, before me, examine and cross-examine them, take down their depositions in writing, and compel them to swear to the truth of the facts they depose to. If I were even disposed to attempt this exercise of judicial authority, is it likely, my Lord, that Mr. Bridges, in particular, after what has passed, would obey my summons, and submit, at the beck of a "canting hypocrite," and "an ill-disposed fanatic," to be confronted with Sarah Atkinson and Messrs. Hickling and Steer? Yet I would appeal to your Lordship's judgment, to decide whether or not I could otherwise procure the necessary documents on oath, to be laid in the Crown-office, for substantiating the case. My Lord, I beg to remind the Attorney-General, through your Lordship, that in strict consonance with the principles of British jurisprudence, nay more, in accordance with the express enactments of the Jamaica Slave Code, there are "proceedings to be adopted" by Magistrates and Councils of Protection, before documents on oath can be laid in the Crown-office, especially in such a case as this; and it should be his care that this essential preliminary to "full and impartial investigation" is not wanting.

If the proper measures are adopted in that respect, I have not the slightest doubt that every part of the case, as I have represented it, will be substantiated, and on evidence even more conclusive than that I have referred to.

My Lord, I have done my duty. I leave to the constituted authorities of the country the performance of theirs. I have laid the case of an oppressed and deeply injured slave before the body to which, equally with myself, he belongs. I laid it there because it bore directly on the interests of the cause in which we are engaged, and because it afforded a practical illustration of the difficulties which ministers of religion have to encounter in a land that boasts of toleration. As a man, and as a minister of religion, I was imperatively called on to act as I did ; but I have no selfish interests to serve, no malignant feelings to gratify, by becoming the prosecutor of Mr. Betty ; on the contrary, I sincerely pity him, and deplore the blind hostility to religion which has induced him to trample under foot the undoubted right of an unoffending fellow-creature to worship his Creator according to the dictates of his conscience.

Through circumstances over which I had no control, but which, as far as I am personally concerned, I do not regret, the case has been placed before your Lordship, and with you I would leave it, feeling confident that proper steps will be taken, and that at all events the local authorities will be exonerated from the imputation of sanctioning the offence and screening the offender, to which the extraordinary communication I have received might justly expose them.

I have the honour to be, &c. &c. &c.

(signed) *Isaac Whitehouse,*
Wesleyan Missionary.

Copy of a second Letter from the Governor's Secretary.

King's House, 25th Sept. 1830.

SIR,

MY absence from the seat of Government has prevented your letter of 15th instant, addressed to his Excellency the Governor, receiving a more immediate reply.

It is necessary you should be informed, that in official communications proceeding from the Governor's office, it is not usual to reply direct to the Governor, but through the channel of his Secretary, and his Excellency desires that you would in future pursue this course, which is acted upon by all principal civil officers of the Government.

You had two courses to pursue, had you been able to substantiate your charge against Mr. Betty. One would have been, by referring the case to a Council of Protection, for which you might have called all your witnesses, and their attendance would have been enforced by the magistracy. This course you did not think proper to adopt, and it is now too late to resort to it : and the other, by placing documentary evidence in the Crown-office. But you cannot be ignorant that it is not in the Attorney-General's power to adopt any criminal proceeding, unless the charge is preferred upon oath. It is unnecessary therefore to reply in detail to the diffuse and impertinent observations contained in your letter to the Governor, and which would seem rather for the purpose of drawing his Excellency into a correspondence which would be very unsuitable for His Majesty's representative to enter into.

When Sir George Murray's instructions were received, the Governor adopted the course pointed out to him, first by calling upon the parties charged by you to reply to your accusations ; and then by referring the question to His Majesty's Attorney-General. I have already communicated to you the Attorney-General's opinion ; and if you think it proper to proceed in your charge against Mr. Betty, you will strictly confine yourself to the course pointed out by the Crown-officer, by which means alone the case can be justly and legally disposed of.

I am, &c.

Mr. Isaac Whitehouse.

(signed) *W. Bullock.*

Copy of Mr. Whitehouse's Rejoinder.

St. Ann's Bay, Sept. 29th, 1830.

SIR,

I HAVE received your letter of the 25th instant, and beg to assure his Excellency the Governor, that if I have committed a breach of etiquette in addressing my reply to him, and transmitting it, as I did, "through the channel of his Secretary," it was perfectly unintentional.

I should regret that any thing in my letter had been considered by his Lordship to be "impertinent;" and I disavow any intended disrespect; but I would fain hope, as you do not say so, that you had not his Lordship's commands to apply the term to me or my communication. However it may have originated, I beg to observe, that its use is scarcely consistent with civility, or the decorum of official correspondence.

I am glad to find that the possibility of referring the case to a Council of Protection, not at all adverted to in your former letter, has now been acknowledged; although I am unable to discover any thing in the laws, or the constitution of these courts of inquiry, which would render it "too late" for me, or any other person, even now to adopt that method of investigation if it were deemed advisable. I can therefore regard your decision, that it is "now too late for me to resort to it," in no other light than as a declaration, on the part of the Governor, that he would disapprove of my making the attempt; and that if I did apply for a Council of Protection, and the Magistrates of St. Ann's refused to enter on the case, (which you are well aware would be the result,) I could not expect any interposition of his authority to enforce the performance of their duty.

With regard to the course a second time pointed out by you, and to which I am directed "strictly to confine myself," I should have thought that the observations made in my letter would have been sufficient to demonstrate the unreasonableness of expecting me to do that which cannot be done without the exercise of judicial authority, which I do not possess and cannot command. I again repeat that my evidence would amount to nothing more than a statement of my belief of the facts, with the grounds I have for entertaining that belief. I am ready to make a deposition to that effect, if the Attorney-General wishes it, (although not as a prosecutor); but both you and he are well aware that it would not be legal evidence on which to ground a prosecution, and that the proper evidence is to be sought for elsewhere.

Your letter appears to me to leave the case very much where my answer placed it, without at all weakening the position taken. You are pleased authoritatively to point out to me a certain course of conduct, which "alone" must be pursued, while at the same time you avoid entering into the question whether it be possible to adopt it, and do not advert to the real situation in which I stand in relation to the whole case. At the hazard of being considered "diffuse," I beg leave again to remind you that I have not assumed, and have no intention of assuming the character of Mr. Betty's prosecutor. I did not call upon the Attorney-General for his opinion, or upon the Governor for his interference. It was the Colonial Secretary, Sir George Murray, who did so. I did not volunteer to furnish the evidence, on oath, of Mr. Bridges, and of all the other witnesses. I made to the Wesleyan body a simple statement of facts, exhibiting distinctly the authority on which my assertions were founded. Sir George Murray characterized the conduct of Mr. Betty, detailed in that statement, as "extreme oppression and cruelty;" and with the whole bearings of the evidence placed before him, required the Governor to investigate the case. Why then should I be called on, not only to assume the burthen of directing a prosecution, but also to procure evidence of persons in open and avowed hostility to me?

It is in vain to attempt to place me in the predicament of a prosecutor who has failed to substantiate the truth of allegations he has made. I disclaim the character. I have detailed the particulars of a case of oppression. I have pointed out distinctly the evidence to prove them. The documents have been laid before the Governor, the Chief Magistrate of the island, and the Attorney-General,

also a magistrate of the whole island ; and if, in the face of a direction from the Colonial Secretary, and with the power of calling into exercise the judicial functions of the whole magistracy, it is thought consistent with their duty to shift the task and the responsibility of investigation to a private individual, in possession of no authority, it is clear inquiry must end.

I am, &c.

William Bullock, Esq.

(signed) *Isaac Whitehouse.*

— No. 13. —

Downing-street, Dec. 11th, 1830.

MY LORD,

SINCE writing my despatch, dated the 9th instant, in the case of the complaint of Mr. Whitehouse against Messrs. Betty and Bridges, I have received from Dr. James Townley, the Secretary, as I understand, of the Wesleyan Methodist Society, a letter, dated the 8th instant, with various enclosures, copies of which I have the honour to transmit for your Lordship's information.

Your Lordship will have the goodness to ascertain, and to report to me, whether the documents which Dr. Townley has transmitted are accurate copies of the correspondence between your Lordship's Secretary and Mr. Whitehouse, and whether they embrace the whole of that correspondence. Assuming (as I have no particular reason to doubt) the authenticity of these copies, I cannot conceal from your Lordship that I have read them with very sincere regret. They not only confirm the views which I had myself taken of the probable injustice of disposing of this case by a reference to the legal tribunals, on the responsibility of Mr. Whitehouse, but they show that the difficulties to which I have adverted in my despatch of the 9th instant were fully, though ineffectually, brought under your Lordship's notice by Mr. Whitehouse himself. I regret that the remarks of that gentleman, though very clearly and forcibly stated, failed to produce in your Lordship's mind a conviction of the unreasonableness of imposing upon him the character of public accuser, which he so distinctly disavowed, and that you were not satisfied of the weight of those reasons by which he urged a reference of the case, either to the Attorney-General, or to the Council of Protection, for farther inquiry. The arguments of Mr. Whitehouse upon each of those topics do not, I confess, appear to myself susceptible of any satisfactory answer.

It would be exceedingly unjust were I to hold your Lordship responsible for the precise expressions of letters written, not by yourself, but by the Deputy Secretary of the island, in giving effect to your instructions: yet I cannot forbear suggesting to your Lordship the propriety of admonishing Mr. Bullock to avoid, for the future, in official communications, apparently written with your Lordship's sanction, the use of language calculated to inflict unnecessary, and I must think, in the present case, unmerited pain. Thus, for example, when Mr. Whitehouse's letter of the 15th of September was characterized as "diffuse and impertinent," Mr. Bullock justly exposed himself to the rebuke contained in Mr. Whitehouse's subsequent letter, in which that gentleman observes that the use of such terms is "scarcely consistent with civility, or the decorum of official correspondence." The word "impertinent" might have been possibly understood as synonymous with the word "irrelevant," rather than in its more harsh and ordinary sense; and if such was the meaning, I can only regret that Mr. Bullock did not disavow the more injurious construction which Mr. Whitehouse very naturally gave to his language. If these remarks should appear needlessly minute, your Lordship will bear in mind that the weight of your own official and personal authority has been used, although probably without your immediate sanction, to give force to comments still more particular, on the language and style of address adopted by Mr. Whitehouse. My sense of what is due to a gentleman engaged in the highly meritorious and painful, though ill-requited, labours of a missionary, has drawn from me the preceding observations, which have not been written without much reluctance, because I feel that your Lordship may, perhaps, consider them as involving some disapprobation of your official conduct. I trust that your Lordship will believe that I am desirous and prepared on every occasion to afford you the utmost support and assistance in my power, and that I am fully alive to the difficulties

difficulties in which you are placed, in the present times, in the discharge of the important and delicate trust with which you have been invested by His Majesty. But not even my disinclination to augment the embarrassment inseparable, in the present state of public opinion, from the Government of Jamaica, is sufficiently strong to prevent my pointing out to your Lordship, in the most distinct manner, the necessity of your affording your countenance and protection to the ministers of religion, while conducting themselves inoffensively, and the still more urgent necessity for a rigid and impartial scrutiny into every such abuse of the owner's power as was brought to your notice by Mr. Whitehouse in the case of Mr. Betty's slaves.

I have, &c.

The Earl of Belmore,
&c. &c. &c.

(signed) GODERICH.

JAMAICA.

RETURN to an Address of the Honourable The House of
Commons, dated 15th December 1830;—for

COPIES of all COMMUNICATIONS relative to the
reported Maltreatment of a Slave named *Henry*
Williams, in *Jamaica*.

Ordered, by The House of Commons, to be Printed,
23 December 1830.

CORRESPONDENCE

BETWEEN

GREAT BRITAIN

AND

THE UNITED STATES,

RELATIVE TO

COMMERCIAL INTERCOURSE

BETWEEN

A M E R I C A

AND THE

BRITISH WEST INDIA COLONIES.

December, 1829, to November, 1830.

Presented to both Houses of Parliament, by Command of His Majesty,
1830.

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CORRESPONDENCE
BETWEEN
GREAT BRITAIN AND THE UNITED STATES,
RELATIVE TO
COMMERCIAL INTERCOURSE
BETWEEN
AMERICA AND THE BRITISH WEST INDIA COLONIES.

December, 1829, to November, 1830.

No. 1.

Louis MacLane, Esq. to The Earl of Aberdeen.

MY LORD,

9, Chandos-Street, Cavendish-Square,
December 12, 1829.

I HAD flattered myself with the hope of receiving, before this time, a decisive Answer from His Majesty's Government to the Propositions which I had the honour to make, some time since, for an arrangement of the Trade between the United States and the British American Colonies; but while I regret the delay that has taken place, I am aware that it has hitherto been unavoidable. In the hope, however, that, after the various conversations which I have had the honour to hold with His Majesty's Ministers in the course of this Negotiation, they may be prepared, definitively, to dispose of the subject, I beg leave to make your Lordship the present Communication.

In entering upon the Negotiation, I separated this from the other objects of my Mission, and presented it, singly, before His Majesty's Ministers, that it might receive their early consideration, and prompt decision; and that I might thereby the better promote the views and wishes of my Government. I early informed your Lordship of the anxious desire of the President of the United States that this question may be put, immediately and entirely, at rest. In this he is influenced, not merely by a wish to liberate and give activity to such portion of the capital of his Fellow-citizens as may be awaiting the decision of this question, but also by the higher motive of speedily terminating a state of things daily becoming more prejudicial to the friendly relations of the two Countries.

Disclaiming, on the part of the United States, in reply to certain observations of your Lordship, all hostility to this Country, in their system of Protecting Duties, and disconnecting that system from any arrangement of this particular question, I endeavoured to lay this subject before His Majesty's Ministers, divested of all considerations but such as peculiarly relate to this branch of the Commerce between the two Nations.

Conceiving that experience had already proved the existing Colonial Regulations to be injurious to the interests of both Countries, the President was induced to hope, that true policy alone would dispose His Majesty's Government to change them. He could perceive no good reason why Great Britain should now refuse her assent to the terms of arrangement which she herself had, heretofore, voluntarily proposed; and, as the Order in Council of July, 1826, did not embrace Russia and Sweden, though both were within the

scope of the Act of 1825, and as it had been subsequently rescinded as to Spain, without equivalent, he was unwilling to suppose that any unfriendly motive could induce a peculiar and permanent exclusion of the United States from participation in a Trade thus conceded to the rest of the World.

In fact, it appeared that a material alteration had taken place in the Colonial System, and in the relations between the two Countries; produced by the recent relaxation of the Order in Council in favour of Spain, which left the United States the sole excluded Power; and by the injurious operation of the existing Regulations upon the interests of Great Britain. It was not unreasonable, therefore, to suppose, that the Negotiation might be advantageously resumed; that the British Government might be induced to rescind, entirely, their Order in Council of 1826, and that a satisfactory arrangement might immediately be made by the reciprocal Acts of both Governments.

In the course of my Negotiation, however, I have met with difficulties much greater than had been anticipated. There were objections opposed to any arrangement. Among them were the Measures of the United States, restricting the British Colonial Commerce, subsequently to their failure, to accept the terms offered by the Act of Parliament of 1825; and the Claims to protection urged by those interests, which are supposed to have grown up in faith of the Act of 1825, and the Order in Council of 1826. Indeed, I distinctly understood that these were insuperable obstacles to any relaxation in the Colonial System of Great Britain, unless some previous change should be made in the legislation of the United States.

With this understanding, though I by no means admitted the force of these objections, I deemed it expedient, in this state of the Negotiation, to make the following Proposition:

That the Government of the United States should now comply with the conditions of the Act of Parliament of July 5th, 1825, by an express Law, opening their Ports for the admission of British Vessels, and by allowing their entry, with the same kind of British Colonial produce as may be imported in American Vessels, the Vessels of both Countries paying the same charges; suspending the Alien Duties on British Vessels and Cargoes; and abolishing the restrictions in the Act of Congress of 1823, to the direct Intercourse between the United States and the British Colonies; and that such a Law should be immediately followed by a revocation of the British Order in Council of the 27th July, 1826; the abolition or suspension of all Discriminating Duties on American Vessels in the British Colonial Ports; and the enjoyment, by the United States, of the advantages of the Act of Parliament of the 5th July 1825.

By this offer on the part of my Government, I hoped to remove even the pretence of complaint against its Measures; and I trusted that, in thus throwing open, by its own act, to all of His Majesty's Subjects, a Trade at present enjoyed by but a few, it would effectually silence those partial interests, which, springing out of a system of restriction, and depending as much upon the countervailing Laws of the United States, as upon the Regulations of their own Government, subsist entirely upon the misfortunes of the British West India Planters, and the embarrassments of the general Commercial capital and enterprize of both Nations.

In repeating the Proposition, as I now have the honour to do, and in renewing my solicitations, that it may be taken into early and candid consideration, and produce a prompt and favourable reply, I refrain from leading to further discussion and delay, by a more detailed reference to the various suggestions by which, in the course of the Negotiation, I have had the honour to recommend it.

Entertaining, however, the conviction I have heretofore expressed, of the wasting effects of the present Regulations upon the substantial interests of the two Countries, I cannot close this Letter, without again remarking, that delay can only tend to encrease the difficulties, on both sides, to any future adjustment; and that it will be difficult for the United States to reconcile the marked and invidious relation in which they are now placed, with their idea of justice, or with the amicable professions of this Government. That relation

involves consequences reaching far beyond the immediate subject in discussion, and of infinitely greater importance to the future Intercourse of both Countries, than any value which the Trade, affected by these Regulations, may be supposed to possess. It is this view of the subject which unites the sympathy of all interests in the United States with their Commercial enterprize, which touches the pride and sensibility of every class of their population, and which, I trust, will make its due appeal to the candour and liberality of His Majesty's Government.

I pray your Lordship to accept, &c.

(Signed)

LOUIS M'LANE.

The Right Hon. The Earl of Aberdeen, K. T.

&c.

&c.

&c.

No. 2.

The Earl of Aberdeen to Louis MacLane Esq.

SIR,

Foreign Office, December 14, 1829.

I HAVE had the honour to receive your Letter of the 12th Instant, formally recording the desire entertained by the Government of the United States, (and previously declared by you in Verbal Conferences) for the removal of the existing Restrictions on the Intercourse between the British West India Colonies and the United States; with the view of placing the Commerce of the two Countries on a footing more consonant with the substantial interests of both Nations, and with the amicable Relations which happily subsist between them.

I shall lose no time in bringing the Proposition contained in your Letter, under the consideration of His Majesty's Government.

Whatever may be the result of their deliberations on this question, of which you are already apprized of some of the difficulties, you may be assured that His Majesty's Government will enter into the consideration of it with the most friendly feelings towards the Government of the United States.

I have, &c.

Louis MacLane, Esq.

(Signed)

ABERDEEN.

&c. &c. &c.

No. 3.

Louis MacLane, Esq. to The Earl of Aberdeen.

9, Chandos Street, Portland Place, March 16th, 1830.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, in calling the attention of the Earl of Aberdeen, His Majesty's Principal Secretary of State for Foreign Affairs, to a Proposition which he had the honour to submit in writing on the 12th of December last, for an arrangement of the Trade between the United States and the British American Colonies, and in praying for a decision thereupon, is influenced, not merely by considerations of duty, urging him to avoid further delay, but by a hope, that the time already afforded for deliberation, has been sufficient to enable His Majesty's Ministers to judge of the reasonableness of his demands.

The Earl of Aberdeen is already aware that, whatever may be the disposition which His Majesty's Government may now be pleased to make of this subject, it must necessarily be final, and indicative of the policy to which it will be necessary, in future, to adapt the Commercial Relations of each Country. As the Regulations on the part of the United States, which will follow the decision of this Government, can be adopted by the Congress alone, it becomes the duty of the Undersigned to ascertain and transmit such decision during the present Session of that Legislative Body. But, while the Under-

signed again solicits the earliest convenient Answer to his Proposition, he cannot but repeat, that it will be happy for both Countries, if their measures shall coincide in cultivating those liberal principles of mutual accommodation, which are the elements of common prosperity and united strength.

However the fact may be regretted and condemned by enlightened Statesmen, it cannot be concealed, that ancient prejudices and unworthy animosities do still linger among the People of both Countries; and the Earl of Aberdeen has been too distinguished an observer of events, not to perceive the operation of those causes, in fostering a spirit of commercial jealousy, especially in relation to the Colonial Trade.

It should be the desire, as it is the interest, of both Governments, to extinguish these causes of mutual bitterness; to correct the errors which may have interrupted the harmony of their past intercourse; to discard from their Commercial Regulations measures of hostile monopoly, and to adopt instead a generous system of frank and amicable competition.

There has never occurred in the History of the two Countries, a fairer opportunity than the present to effect this desirable object, and the Undersigned feels pleasure in remarking the favourable disposition professed by both Governments on the subject. He begs to suggest, however, that this period of amicable expressions, deserves also to be signalized by acts of mutual concession, which may remain to the People of both Countries as earnest of those liberal relations, which the Governments have resolved to cultivate. Such would be embraced in the Proposition, which the Undersigned has already had the honour to submit; namely, that the United States should do now, that which they might have done in 1825,—rescind the Measures which may be alleged to have contributed to the present evil, and repeal the Laws which have been matters of complaint, and that England should assent, now, to a measure which, but a few Years since, she herself proposed.

The Undersigned is unwilling to pass from this topic without reassuring the Earl of Aberdeen, that it is from considerations of this kind that the subject derives its highest importance in the view of his Government. There is no disposition to deny the injurious effects of the existing Regulations upon the commercial and navigating enterprize of the People of the United States; associated, as it evidently is, with the substantial prosperity of the British West India Colonies; much of the injury, however, and especially that arising from the temporary inactivity of a portion of American Capital, might soon be remedied by Acts of the Legislature, opening new channels for commercial enterprize. But the evil most to be apprehended is, that in recurring, on both sides, to the remedy of Legislative Enactments, a spirit of competition might be immediately awakened, which, however dispassionately it might commence, would be too apt, in a little while, to become angry and retaliating. In cases of the kind, as has been too well proved, one step necessarily leads to another, each tending more and more to estrange the two Nations, and to produce mutual injuries, deeply to be deplored when they can no longer be remedied.

It is far from the intention of the Undersigned to intimate, that the United States could be disposed to complain of any Commercial Regulation of Great Britain, which, by a system of reasonable preference, should consult the interests of her own Subjects; provided it were done in a spirit of amity and impartiality, and that it should place all Nations on an equal footing. But, when the United States shall think they have grounds to consider themselves singled out from all other Nations, and made the exclusive object of an injurious Regulation; when they shall imagine it levelled at their prosperity alone, either in retaliation of past deeds, or for interested purposes, to secure some adventitious advantage, or to encourage a hostile competition by means of Commercial monopoly; however justifiable, in such case, they may admit the Regulation to be, in point of strict right, they will hardly be able to refrain, not merely from complaint, but from a course of Measures, calculated, as they may think, to avert the intended injury; though pregnant, perhaps, with consequences to be ultimately lamented.

While the Undersigned would in no degree impair the full force of these

considerations, he would, at the same time, be distinctly understood, as not employing the language of menace. He has conducted his whole Negotiation with an unfeigned and anxious desire to see the relations of the two Countries placed on a footing equally advantageous and honourable to both, as the only means of insuring lasting amity ; but, being profoundly sensible of the causes by which this desirable object may be defeated, he has framed his Proposition in such a manner as to enable His Majesty's Ministers to co-operate in his views, without departing from the principles of their system of Colonial Trade and Government.

To this effect the Proposition, which he has had the honour to submit, concedes to Great Britain the right of regulating the Trade with her Colonies according to her own interests ; and asks no exemption from the Discriminating Duties which she has instituted in favour of her own Possessions. It invites a participation in a direct, rather than a circuitous, Trade, upon terms which Great Britain deliberately adopted in 1825, as beneficial to her Colonies ; and which she continues, to the present day, to allow to all the rest of the World. A rejection of it, therefore, would appear to result, not from any condemnation of the direct Trade, or any conviction of the impolicy of permitting it, with the West India Colonies ; but rather from a determination of excluding from it the Commerce of the United States alone.

It is not the intention of the Undersigned, to undertake here the difficult task of minutely recapitulating on paper the various suggestions, by which, in the course of his Conferences with His Majesty's Ministers, he has endeavoured to enforce an Arrangement on the terms heretofore stated. He trusts, however, to be excused if, in making this last application for an early decision, he should recur to a few of the more leading considerations, connected with the present state of the Negotiation.

And here the Undersigned begs to observe, that, whatever hope he may have indulged on this subject, at any period of the Negotiation, it has been founded, not so much upon the expectation of peculiar favour to the United States, as of a liberal compliance, by His Majesty's Government, with its own Regulations, in allowing the United States to participate in a Trade, permitted to all the rest of the World, so far as their participation should contribute to the purposes for which such Trade was, in any manner, authorized.

The Arrangement, therefore, proposed by the Undersigned, does not urge upon the British Government a departure from what may be considered its ordinary Colonial Regulations, for the benefit of the United States ; but a recurrence to a course of Trade, beneficial alike to the Commerce of the United States, and the Colonial Interests of Great Britain ; and which has been interrupted by causes not foreseen by the latter, and highly disadvantageous to both Nations.

It was the hope of the Undersigned that, if the interests of that portion of the British Dominions, which, in the 6th Year of His present Majesty's Reign, dictated the Regulations proposed by the Act of Parliament of that Year, could be subserved by their adoption now, Great Britain would not be prevented, by any causes, accidentally or improvidently arising, or by any exclusive policy towards the United States, from renewing now the offer she then made.

The Undersigned is not disposed to deny, that any departure from the rigid policy, by which the Colonies are excluded from all Commercial Inter-course, except with the Mother Country, must be founded on the interests of the Colonies themselves ; and it will be, doubtless, conceded, that such was the object of the Regulations proposed by the Act of Parliament of 1825, which were intended to furnish the British West India Islands with a more extensive Market for their productions, and with the means of supplying themselves, on the cheapest terms, with all articles of foreign produce, of which they might stand in need.

The Act of 1825 was, in fact, a relaxation of the previous policy ; affording to the West India Colonies advantages of trade which they had not previously enjoyed, and offering the benefit of their Commerce to all the World. It will scarcely be denied that this relaxation was dictated by a wise regard for the peculiar wants of those Islands. Abundant proof of this may

be found in the reciprocal privileges granted, at the same time, to the other Possessions of Great Britain, the interests of which might be supposed to be affected by these Regulations; and more especially in the privileges conferred on the Northern Possessions, of introducing their Grain into England at a fixed and moderate duty, and of receiving in exchange, and importing directly from all parts of the World, Productions similar to those of the West India Islands; and also in the reduction of the Duty on the Mauritius Sugar, in the Ports of Great Britain, to an equality with that of the West India Sugar.

It will scarcely be doubted that these privileges were fully commensurate with the object. Indeed it must be perceived, that they were of extensive scope and growing importance; materially affecting the present and prospective Trade of the West India Planters. They conferred on the Northern Possessions a free and direct Trade, not only with the European Ports, but with the Continent of South America; in which are Countries daily encreasing in resources, and destined, beyond a doubt, when the advantages of their soil and climate shall be properly cultivated, to become rival growers of the West India produce.

It may be safely affirmed, that these are privileges of greater magnitude than any conferred by the same Act, on the West India Islands, and it is worthy of remark, that they are still enjoyed by those Possessions, constituting a source of profit and prosperity; while, of those for which they were given as an equivalent, the West India Planter has been almost ever since deprived.

It could not be imagined that the remotest fore-thought was entertained of this state of things, by which the West India Islands would ultimately be deprived of their most natural and profitable Market, and their interest sacrificed to the adventitious prosperity of Possessions, which already, in the privileges heretofore alluded to, and in the scale of Discriminating Duties provided by the Act of Parliament, enjoyed advantages equivalent to any accorded by the protecting policy of Great Britain. Much less could the Undersigned permit himself to suppose, that the Act of 1825 contemplated any other objects than those which it ostensibly imported; or that those objects could be permanently defeated by accidental causes.

The Undersigned need not here enter into a particular defence of the omission, on the part of the United States, seasonably to embrace the offer of the direct Trade, made by Great Britain in the Year 1825, and to which allusion has so frequently been made. Whether it be a subject more of regret or of censure, it ought to be enough, that the claims advanced in justification of it have since been abandoned by those who made them; have received no sanction from the People of the United States, and that they are not now revived. If it be the intention of Great Britain to perpetuate the present state of things, from a belief that it is more for her interest, she will require no warrant from the past; and if she intend it for any other purpose, the mistakes of the past will not justify a policy observed towards the United States alone, while unenforced against other Nations, chargeable with similar neglect. If these mistakes have led to the mutual injury of both Countries, there ought rather to be inspired a disposition to remedy such injury, and to prevent its future recurrence.

The Undersigned, therefore, may be content to admit, that, in consequence of the failure by the past Administration of the Government of the United States, to comply with the provisions of the Act of Parliament of 1825, by repealing certain restrictions in their Laws, deemed incompatible with the interests of the Colonies, Great Britain thought proper, by Order in Council, to exclude them from the direct Trade, authorized by that Act; but it cannot, therefore, be supposed, that they were thus excluded because Great Britain repented of the Regulations of 1825, which she continued to extend to all other Nations, though some of them, too, had neglected the conditions of that Act; neither could it be supposed that the importance of a direct Trade with the United States had, in any degree, diminished.

It is not a fair inference from any Measure, neither is it avowed on the face of any Publick Document of Great Britain, that, by the interdict applied by the Order in Council, she intended, permanently and unchangeably, to deprive the United States, and her West India Islands, of the benefit of a direct Trade,

which had always been deemed of the first importance to both. The opposite is the natural inference, and it is due to the character of Great Britain, and to her knowledge of her true interests, to believe, that the adjustment of Trade with her several Possessions, by the Act of 1825, was in her opinion salutary, and that she sought to secure it in every part, and to give it more complete effect, by her Order in Council; the true intent of which was, to exclude the United States from the direct Trade, merely until they should consent to engage in it on terms mutually advantageous. It was thus, whilst her other Possessions were left in the enjoyment of their privileges, Great Britain intended to secure to the West India Islands, the Commercial benefits which had been designed for them by these Regulations.

Nor are the Answers heretofore given by this Government, in the course of previous Negotiations, incompatible with this interpretation of the Order in Council. After applying the interdict for the purposes of the Act of 1825, it was not unreasonable that the time of its removal should be adapted to the same ends. It might have been designed, not merely to evince the predilection of Great Britain for Regulations adopted in 1825, but to manifest to all other Nations the mutual advantages of that course of Trade, and to yield to a liberal spirit, when that effect should be produced.

The language of the late Mr. Canning, and of Lord Dudley, authorizes this belief. Mr. Canning said no more than that the British Government would not feel bound to remove the interdict, as a matter of course, whenever it might suit a foreign Nation to reconsider her Measures;—implying, surely, that, under other circumstances, our overture would not be rejected. In the Negotiation with Mr. Canning, moreover, the American pretensions, which before that time had embarrassed an Arrangement, were not conceded, and on that ground particularly, Mr. Gallatin's Proposition was then declined. At the time of the Negotiation with Lord Dudley, neither Party had felt the effects of a state of things, which neither had ever contemplated, and for which Great Britain had never, until then, manifested any desire.

Without attempting here to point out the error of Lord Dudley's conception of Mr. Gallatin's Proposition, the Undersigned contents himself with suggesting, that his Answer most particularly referred to the Proposition, merely in regard to the form and the time. It neither said nor intimated, as, had such been the intention, it unquestionably would have done, that Great Britain designed, by the Order in Council, permanently to abandon the objects of her Act of 1825.

It must be admitted, that such inference would be incompatible with the views entertained by the present Ministry, as expressed in the Order in Council of 1828, gratuitously extending and continuing to Spain, the privileges granted by the Act of 1825, which she also had forfeited, by failing, up to that period, to comply with the Conditions.

On no supposition, consistent with ordinary impartiality towards a friendly Nation, can this Order be reconciled, than that the whole subject rested in the discretion of the Ministry, to be changed and modified at any time, when they might deem it expedient.

The Undersigned, therefore, takes leave to suppose, that the present state of things is new and unexpected in the Colonial History of Great Britain, that the interests and advantages dependent upon it are adventitious, subordinate, if not opposed, to the objects of the Act of Parliament of 1825, and injurious to the interests contemplated by that Act; and that it was neither intended to be produced nor perpetuated by the Order in Council of 1826. He is induced, therefore, by these considerations, to renew his hope, that the real purposes of that Order may now be fulfilled, and the cardinal object of the Act of 1825, effectually promoted.

He would venture to ask, moreover, whether those interests, which have recently sprung up out of this adventitious state of things, which depend upon accidental causes, and subsist upon the sufferings of others, more ancient in standing, and, at least, equal in magnitude, have any peculiar claim to be upheld? They connected themselves with a course of Trade, subversive of the leading motives of the Act of 1825, and necessarily temporary, and which it would be unreasonable to convert into a permanent Arrangement, unless it could

be proved that it had attained, or was likely to attain, in some other way, all the objects contemplated by that Act.

The Regulations of the 6th Year of His present Majesty's Reign were not adopted without reason, or uncalled for by the condition of the West India Colonies. The improvident legislation with which their Trade with the United States had been unhappily restricted, subsequently to the Year 1822, had produced embarrassments which all acknowledged, and which the measures of 1825 proposed to obviate, by extending the Market for their productions, and enlarging the means of a cheap Supply.

Such, it must be admitted, was the obvious remedy for the evil, and if their own picture of actual distress and embarrassment, be not over drawn, the situation of the West Indian Planters is more in need of its application at present, than in the Year 1825. Seldom, indeed, if ever, have their distresses been more intense, or their supplications for relief more urgent.

It is also true that, according to usual custom, in periods of publick distress, the evils which now afflict the West India Planters, have been ascribed to causes various in their nature, and not always consistent. For evils of general prevalence, however, there is always some cause of general and uniform operation; and it certainly is not unfair to argue, that the same circumstances which have led to such a calamitous state of things at one period, may lead to similar effects at another; therefore, that an aggravation of those causes, which produced the embarrassments, prevalent from 1822 to 1825, may produce the same, in a still more oppressive degree, at present, and may render them insupportable hereafter.

That there is an immense reduction in the value of Colonial produce, is not a matter of conjectural speculation. It will not be denied, that it has been taking place gradually since the interruption of the direct Trade, until it may be affirmed, that the nett proceeds of a single hogshead of Sugar are less by 10 pounds sterling than they were in the last Year.

It is not a matter of doubt to the Undersigned, that the total loss to the West India Planters of a direct Trade with the United States, the most natural source of their supplies, and the most profitable Market for their productions, by enhancing the price of the one, and not merely lowering the price, but diminishing the quantity, of the other, is sufficient, without the aid of other causes, which might be cited, to produce a state of distress, greater than that of which they at present complain.

The Earl of Aberdeen will scarcely need to be informed, that the consumption in the United States of West India produce is very considerable; but it may not be superfluous to state, that, of foreign Sugar alone, it is certainly little less than 60,000,000 of pounds per Annum; of foreign Molasses it is not less than 13,000,000 of gallons; and of foreign Rum it is equal to 3,500,000; and yet, in consequence of the present embarrassments of the direct Trade, the importation of British West India produce has substantially ceased.

It does not appear, in the meantime, that the Planter has been indemnified for his loss by any other Market. In that of London he certainly has not, for it neither requires the surplus produce thus left on his hands, nor offers him an equal price for that which it consumes. The freight to New York is 1 shilling, and to London 5 shillings, per cwt.; the difference of Insurance between the two Places also, is as 1 to 6 per cent.—the price of Sugar, therefore, ought to be proportionably higher in the London Market. The Earl of Aberdeen will perceive, however, by a reference to the Prices Current of Philadelphia, Boston, and London, already submitted to his inspection, that, instead of being greater, the price is less in the Market of London, than in that of the United States. The Sugar of St. Croix, which is of an inferior quality to that of Jamaica, is quoted in the Prices Current of the United States at from 8 to 10 dollars 50 cents. per cwt.; and while the price of 9 dollars 50 cents., after deducting freight and duty, would nett 25 shillings sterling, the prices in London, it is believed, do not nett more than 22 shillings per cwt. for Sugar of similar quality. The Undersigned begs leave also to remark, that an examination of the same Prices Current, for the purpose of comparing the prices of the lower qualities of

Sugar, as well as of Rum, would present a more striking disparity in favour of the Market of the United States.

It may not be necessary to assert the impossibility of supplying the West India Islands, at present, without the aid, directly or indirectly, of the United States. If this were not the case, unless the Supplies could be drawn from other Possessions of Great Britain, the Undersigned will not imagine that there could be any motive or pretence, as between other Nations, to exclude the United States; more especially as it is not likely that any other Nation could furnish them on terms equally advantageous.

But the Undersigned may assert, with perfect safety, that, for a great portion of their principal Supplies, especially Flour, Indian Meal, Rice, Boards, Staves, and Shingles, the West India Islands must be, for a long time, dependent upon the United States; for Rice, in fact, they must always be so. The proximity of the Ports of the United States and the West India Islands to each other; the adaptation of their productions to their mutual wants; the capacity of the United States to furnish the principal articles of Provisions, at all seasons, in a fresh state, and by a cheap navigation; and, above all, the extent and steadfastness of their demand for the Island Productions, not only constitute them the best Customers of the Planters, but give them advantages for such a Trade, not possessed by any other Nation. Even the British Northern Possessions, if, in fact, they were equally capable of producing the necessary Articles, could not enter into competition upon equal terms. The physical impediments which, for at least half the year, embarrass their intercourse with the Islands, compel the latter, during that time, to look elsewhere for any immediate supplies, of which they may stand in need.

Not to dwell too minutely on this point, the Undersigned will content himself with referring to the general course and extent of this Trade, in all past times; to the value of the Supplies uniformly furnished by the United States, under all the disadvantages of a restricted and embarrassed intercourse, and to the vast amount which is even now finding its way, through indirect and difficult, and, consequently, expensive channels, under a positive and total interdict of the direct Trade. Surely, if other parts, with which the Trade is not merely direct, but highly favoured, were actually able, from their own resources and productions, to furnish these supplies, there would be no recourse for them to the United States.

The Undersigned is unable to speak with precision of the amount of provisions and other articles actually supplied from the United States, in the present course of business. There is a difficulty in tracing the Trade through the numerous channels into which it has been diverted from its natural course. Tabular Statements are not, in all respects, full and accurate; especially when they relate to merchandize transported across the Frontier Lines, and passing down the St. Lawrence to the Northern Possessions; of such, there being but little, if any, account taken in the Custom-houses.

These circumstances render all conclusions on this subject more or less matters of conjecture. It is the opinion, however, of the most intelligent Persons engaged in the Trade, both before and since the Order in Council of 1826,—and an opinion, which, it is believed, cannot be controverted,—that an amount equal to more than a half of that heretofore exported through the direct channels, still continues to go by the present circuitous routes. It has even been asserted, by intelligent Commercial men, that Jamaica has not consumed less of the flour and provisions, generally, of the United States, though at an additional and oppressive expense, than when the Trade was direct.

The routes through which these Supplies now pass, comprehend not merely the Northern Possessions, which have the solitary advantage of occasionally affording a better assortment of goods, but also the Islands of St. Thomas and St. Bartholomew, Martinique, Guadaloupe, and the Port of St. Jago de Cuba.

It is believed that these facts will be fully sustained, so far as certain Official Returns in the Archives of this Government, to which the Undersigned has had access, may be relied on. One of these, being a comparative Account of the quantity of Provisions and Lumber imported into

the British West Indies, in the Years 1825 and 1828, the Undersigned has already submitted to the Earl of Aberdeen, as deserving of particular attention.

It would appear from this, that of the *Corn* and *Grain* imported into those Islands, in 1825, amounting to 383,332 bushels, 237,248 bushels were introduced from the United States, 7,012 from the British Colonies in North America, 9,249 from the Foreign West Indies, 1,584 from Foreign Europe, and the remainder from the United Kingdom, and the Islands of Jersey and Guernsey, thus constituting the United States, in the regular course of Trade, the natural and cheapest source of supply. It also appears that, in the Year 1828, of the aggregate importation then reduced to 351,832 bushels, 27 bushels only were introduced directly from the United States; but from the Foreign West Indies 126,221, from the British Colonies in North America 45,495, from Foreign Europe 464, and from the United Kingdom, &c. 172,718 bushels.

In 1825 there were imported into the same Islands, 202,737 barrels of Meal and Flour, of which the United States supplied, directly, 161,568, the British Colonies in North America 4,232, Foreign Europe 400, Foreign West Indies 21,090, and the United Kingdom, &c. 15,447 barrels. In 1828 the aggregate importation of the same Articles was 206,653 barrels, of which the United States sent, directly, 490 barrels, and the Foreign West Indies 142,092, the British Colonies in North America 36,766, Foreign Europe 1,135, and the United Kingdom 25,331.

A similar result is more strikingly presented in the article of Rice; and it is also shewn, by the same Account, that of the amount of Lumber introduced since the interruption of the direct Trade, nearly one half of the most valuable kinds which previously went directly from the United States, passed through the Foreign West Indies; of Shingles considerably more than one half, and of Staves a greater number were imported from the Foreign West Indies, in 1828, than were introduced directly from the United States in 1825.

It will not escape the attention of the Earl of Aberdeen, that the Foreign West Indies derive their means of exporting these Articles principally, if not exclusively, from the United States; and that while the importance to the Planters of their direct Trade with the latter, is thus exemplified by these Statements, it is also shewn, that the diversion of it into indirect and circuitous channels does not confer equally substantial advantages upon the British Northern Colonies.

With this view of the subject, the Undersigned takes leave to ask, why may not these Supplies, which must thus necessarily be drawn from the United States, be furnished by means of a direct Trade? It must be admitted, that the evils of the indirect Trade fall upon the Planters. Among these may be considered, the charges of double Freight and Insurance, the expenses of Transshipment, and the Commissions and Duties in the Neutral Islands, estimated at 50 per cent. on the first cost of Lumber, and from 15 to 20 per cent. on Provisions. So far as this Estimate relates to Lumber, it is fully warranted by the Official Account of the comparative Prices of that Article in Jamaica, in the Years 1825 and 1828, already submitted to the Earl of Aberdeen; and as it respects Provisions, the duty of 5 shillings per barrel on Flour, and in proportion on other Articles, as completely sustains it.

But to these evils, great as they are, must be added the total loss of the Market offered by the United States, under a direct Trade, the extent and advantages of which have already been shewn, and would have continued for an indefinite length of time, if not interrupted by these Restrictions. It is true, the cultivation of Sugar had been commenced, and is extending in the United States, but under difficulties and impediments arising from the nature of the Climate, and the frequent injury of the Crops, by the variableness of the seasons. It has to contend, also, with the superiority, if not the indispensable necessity, of Foreign Sugar, for the purpose of the Refiner. The demand of the latter is steadfast and encreasing, being commensurate, not merely with the consumption of refined Sugar in the United States, but with the growing Trade in it with all Parts of the World. The exportation of refined Sugar has also been further encouraged by a recent augmentation of the

Draw-back, placing it on an equal footing with domestick Sugar, in respect to Foreign Markets. Under these circumstances, while the direct Trade remained open, there would, as has been said, have continued a great and augmenting demand for the West India Sugars, for an indefinite length of time. The present Restrictions, however, menace the Planter with its total loss, if, in fact, they have not already insured it. In proportion as they augment the embarrassments and expense of the Trade with the British West India Islands, they compel the United States to grow their own Sugar, and act as bounties to encourage and improve its cultivation; or they induce them to look for their indispensable supplies to other Islands, more liberal in their Commercial Regulations.

In the mean time the Planters, while they lose a Market, ample, constant, profitable, and contiguous, find no indemnification in that of the Northern Possessions, whose consumption is comparatively limited; nor in that of the Mother Country; for there, in addition to the low prices already adverted to, they must encounter the Sugar of the Mauritius, which, being now placed on an equality with their own, has encreased the amount of its Importation, in the course of 5 Years, from 4,600, to little less, as it is believed, than 30,000 tons.

From this state of things, therefore, serious injury arises to the Trade, both of the United States and of the British West India Islands. So far as that injury presses upon the latter, it is confidently submitted, whether plenary relief can be found, as has been supposed in the reduction of the Duties upon their produce; unless it be in a manner to give them a monopoly in the Home Market, equal to that of which they have been deprived in the United States; or even then, unless the reduction be in proportion, not merely to the loss of the Market, but to the encreased charges incident to the indirect Trade for their necessary Supplies.

The supply of Sugar is already greater than the demand of the Home Market, and the amount of reduction of duty could not be a clear gain to the Planter, because it would be also attended with a partial fall of the price, and his gain could be in proportion to the latter only. This mode of relief, without a correspondent reduction of the bounty allowed to the Refiner, would be prejudicial to the Revenue, but, with such reduction, much more injurious to the Refiner; and if, as it may well be supposed, one half at least, of the Sugars imported from the West Indies are manufactured for exportation, it is not likely that such mode of relief would, in any event, be beneficial to the Planter.

It is suggested, with great respect and deference, that the more obvious and natural remedy for an evil, which all must admit, would be to remove the cause. This would be done by cheapening the Supplies, and extending the Market for the Productions of the Islands, and by authorizing a direct Trade with the United States, to a degree commensurate with the interests and necessities of the Islands, and on such terms as are now allowed for similar purposes to all the rest of the World.

The partial application of a like remedy produced a salutary effect from 1825, to 1826, and, therefore, it may well be presumed, that a more thorough experiment on both sides, at present, would be still more beneficial. At that time, undoubtedly, the British Northern Possessions neither complained, nor had the cause of complaint; still less can any such cause have arisen since, as their monopoly of the direct Trade, instead of relieving, has only aggravated the sufferings of the Planters.

It has been stated to the Undersigned, however, as the opinion of Great Britain, that, while devising Measures for the relief of the West Indies, it is, at the same time, indispensably necessary to consider the claims of the Northern Possessions, to be protected in the enjoyment of certain accidental advantages. Though the Undersigned by no means admits the justice of these claims he would observe, that if they are to receive protection, it ought at least, to be effected in some way not inconsistent with the meditated relief of the Planters. This might be done by granting greater facilities for the introduction of the Produce of the Northern Possessions into the Mother Country; a measure which would not merely benefit them, but would ensure important advantages to Great Britain, by encreasing her Revenue, and

augmenting and perpetuating the consumption of her Manufactures in those Possessions.

But the Proposition does not go to exclude the Productions of the Northern Colonies, or even to expose them without protection to a competition with those of the United States. It supposes, on the contrary, that, as far as the former are capable of producing the Articles in demand, a fair preference is already secured to them in the West India Market, by the scale of Duties prescribed by the Act of 1825, and fully commensurate, consistently with the interests of the Planters, with that object. That scale could only prove insufficient if the capacity to produce did not exist, or should depend for its existence upon an exclusive monopoly, ruinous to all other interests.

It is not for the Undersigned, therefore, to object to that scale of Duties as regulated by the Act of 1825, though it must be allowed to give the Productions of the Northern Possessions of Great Britain an equal, or even a better, chance in the West India Market; but he requires that the United States, as far as they are capable of supplying its wants, may be permitted, in common with the rest of the World, to contribute supplies by a direct Trade, and that they may be the Carriers of such of their own Productions as are indispensable, or highly necessary, to the Planters.

That the Northern Possessions have an interest in the present state of things, the Undersigned does not mean to deny, nor particularly to state. It is sufficient for him to repeat, what has been already remarked, that the interests which have grown up in that Quarter are adventitious in their character, and subordinate to all the great considerations connected with this subject. They may be of some importance in themselves, and yet there may be views of higher moment and grander scope, to some of which allusion has already been made, before which, in every sense, they ought to give way.

It will be difficult to maintain the propriety of the claim by the Northern Possessions, that they should be secured in the enjoyment of a direct Trade with all Parts of the World, and that it should be denied to other Possessions of Great Britain to whom it is more necessary.

Of the capacity of the British West Indies to supply with their Productions all the demands of the Northern Colonies, there can be no doubt; yet those Colonies, by a direct Trade, may introduce similar Productions from Foreign Countries. Why then may not the British Islands be permitted, by the same medium, to introduce those Articles which the Northern Possessions cannot supply, and for which they are dependent upon others?

If the Canadian may import from Foreign Countries, by a direct Trade, merchandise of which he is not in need for his own subsistence, and which he may procure from other Colonies of Great Britain, why may not the West Indian receive from the United States, in the same direct manner, that which is indispensably necessary to him, and which none of His Majesty's Colonies can supply?

The Undersigned does not pretend to state, since he is unable to obtain the information requisite to enable him to state with accuracy, the precise proportion which the productive capacity of the Northern Possessions bears to the wants of the West India Islands. It is the general opinion, that the Productions of those Possessions, especially Corn and other Bread Stuffs, but little exceed the quantity required for their own consumption, and that the amount of those Articles, and even of Lumber, exported by them to the Mother Country, the West Indies, and to other Parts, is derived principally from the United States, and from some Ports of Europe. This opinion would seem to be confirmed, by the state of the Trade between those Possessions and the United States, and by the encouragement given heretofore, and at present, by low Duties, to the introduction into their Ports, from the latter, of most, if not all, of the foregoing Articles.

The Exports from the United States to the British American Colonies, consist principally of Flour, Meal, Indian Corn, Wheat, Ship Bread, Rice, Pot and Pearl Ashes, Butter, and Lumber, amounting annually, according to the circumstances of the Year, to from $2\frac{1}{2}$ to $3\frac{1}{2}$ millions of dollars; and little inferior in value to the aggregate Exports from the United States to the British West India Islands, in an open Trade.

The Earl of Aberdeen has already inspected the Official Tables of the Exports of domestick Articles from the United States, during the Year 1827, and though, for purposes of comparison, similar Tables for 1828, would be more precise, it is believed they would not diminish, if they did not add, to the weight of those of 1827. From this Statement, and a recurrence to the Account, already explained, to say nothing of the amount of produce passing down the St. Lawrence, of which, as has been observed, little, if any, account is taken in the United States, the Earl of Aberdeen will perceive that, after a full experiment of the advantages afforded to the British Northern Colonies, by the present course of Trade, they are, in fact, dependent upon the United States for considerably more than double the amount of their Exports to the British West Indies.

By these Statements it appears that, in 1828, the British Northern Colonies exported to the British West India Islands 45,495 bushels of Corn and Grain; and, as far as the Trade in 1827 may be considered indicative of that of 1828, they received from the United States 88,456 bushels of the same articles; that of Flour and Meal, they received from the United States 136,770 barrels, and exported to the West Indies only 36,766, and that a like proportion is observable in the articles of Ship Bread, and Biscuit and Rice. Of Lumber the Official Tables of the United States are not supposed to afford any satisfactory account, and, in respect to Pot and Pearl Ashes, the British Statement is silent; though it will probably be conceded, that the supplies of the latter Articles are principally from the United States.

On looking to the large amount of importation from the United States, by the British Northern Colonies, the comparatively small exportation from the latter to the British West Indies, cannot escape observation. That these Islands require much more than the quantity furnished them by the North is shewn, not only by the Table of their direct Trade with the United States, but by the amount furnished at present, under all the pressure of the Discriminating Duties from the Foreign West Indies. It is a matter, in fact, that does not admit of a doubt. That the Northern Colonies do not, under these circumstances, send more of the Produce received by them from the United States, must be either because a great part of it is absorbed by the demands for the Home Consumption, or that it is necessary for their Export Trade with other Parts of the World. The first cause satisfactorily evinces the incapacity of those Possessions, even under their present advantages, to augment, in any considerable degree, their own Productions; the last does not merely evince this, but manifests more strikingly the inexpediency of their claim to a monopoly of the Trade with the West Indies, to the exclusion of the United States, upon whose Productions they are themselves dependent, not only for their Trade with the West Indies, but also for that with the Mother Country, and with the foreign European Ports.

If these facts should be considered as requiring further confirmation, it may be found in the testimony of several of the most intelligent Inhabitants of the Northern Colonies, taken in 1826, before the "Select Committee on Emigration," by which it appears that, at that period, and previously, Lower Canada did not supply any Flour suited to the West India Market, and that the whole of the Exports of the Upper Province, not exceeding 40,000 barrels, were disposed of in the Ports of Newfoundland, New Brunswick, and Halifax, and were insufficient for their wants; that Quebec depended, in a great degree, for Provisions upon the Supplies furnished by the United States, and that Canada, at the time, found the utmost difficulty in subsisting her own population. It was further stated in that testimony, that there was not sufficient Corn grown in Upper Canada to induce any Foreign Market to deal with them; and that it would be extremely desirable, for some years to come, to introduce American Flour into the Canadas, in order to make up their deficit for the supply of the West Indies; that, in fact, their own supply to the West Indian Merchant was very inconsiderable, and that "they formed a very secondary consideration in his estimation." One of the Persons examined on that occasion, a Legislative Councillor of Lower Canada, gave it as his opinion, and as one which he thought would be taken for granted, that the Provinces of the Two Canadas would not be able, from their own Produce,

to supply a single barrel of Flour to the West India Market for the next 20 Years.

Without presuming that any of these opinions are in all respects accurate, but making every allowance for the character of such answers, which, if in any degree erroneous, are likely to err in favour of the Canadas; it may be safely and confidently assumed, that the Northern Possessions do not now, and cannot for a great number of Years, however they may be favoured and encouraged, produce the requisite Supplies for the West Indies. They must rely upon other sources, and principally upon the United States, not merely to furnish the deficiency, but as consumers of the West India Produce. To such an extent, and for these purposes, the proposition of the Undersigned asks for a direct Intercourse.

The Undersigned would here observe, moreover, that the Northern Colonies offer as little advantage in their demand for the Produce of the British West India Islands, as in their capacity to furnish Supplies. He is aware of the erroneous supposition, that the United States, in their direct Trade with the British West Indies, heretofore, did not take so much of their produce as of specie, to be invested, as it was imagined, in the produce of other Islands. So far, however, as it may be thought to argue an unfavourable course of Trade between the United States and those Islands, he may confidently rely, for its refutation, not only upon its obvious improbability, but upon the past, and even the present, course of the Trade.

It is obvious, that the Restrictions, by which the Trade of the United States with the British West Indies has been so frequently embarrassed, offered peculiar inducements to the importation of specie; but, on this head, the Undersigned may venture to affirm, that the amount of specie has not, at any period of the direct Trade, exceeded much more than one-fourth of the importation into the United States from those Islands.

Without stopping to detect the error of supposing anything unfavourable to the general result of Trade from the exchange of specie for produce, which, Lord Aberdeen is aware, is a natural occurrence, incident to Commerce in all Parts of the World, it will be sufficient to observe, that, as the advantages of the direct Trade to the West India Planter were never doubted, it may fairly be inferred, that the exchanges were mutually made in the most profitable medium. That specie was occasionally received for part of the supplies furnished by the United States, need not, therefore, be denied; which would prove only that, from the general result of their traffick with other Parts, the West India Planters were enabled to deal more profitably in specie, for the produce of the United States; thus affording additional illustration of the mutual advantage of their intercourse. But the Undersigned takes leave wholly to doubt that specie was taken in such Trade instead of produce, when the latter was to be had on terms equally advantageous, and that specie was so taken for the purpose of being invested in similar Articles in the Foreign Islands.

Unless an occasional instance of the kind has been produced, by the pressure of those Restrictions, which it is now proposed to abolish, the occurrence of it would argue in the Merchant the unaccountable folly of submitting to a prolonged voyage, but reduced freight, and to the other disadvantages of a circuitous Trade, in the search after commodities which lay ready at hand, and which he might convey immediately to his Market, by a direct voyage, and at a better freight.

It will, doubtless, however, occur to Lord Aberdeen, that, whatever may have been the course or nature of the exchanges in a direct Trade, they were not merely adapted to the necessities of the Planters, but are not likely to be improved under the embarrassments of an indirect Trade; or that more produce and less specie would pass off through the circuitous, than the direct channel.

Though the Northern Colonies may become the Carriers, they do not thereby become the Consumers, except to a limited extent, of the West India Produce. Their capacity to consume, in produce, the value of all supplies carried by them to the West Indies, or even of that part going from the United States, will not be asserted; and, therefore, it is not perceived how

such produce can be received by them, unless from a reliance on the consumption of it in the United States, or other Foreign Parts. Indeed, in some of the Official and other Statements, furnished by those Provinces to the British Government, the advantages of a free transit of American Flour through the Northern Possessions, are argued from the expectation, that those Districts in the United States, which furnish the Flour, will receive from the Canadians, Foreign Produce in barter. Not to advert to the complete annihilation of such expectation, by an interdict of the supply through such a channel, it must be obvious, that the United States will not take more produce, or less specie, under the embarrassments of an indirect intercourse. It is, on the contrary, reasonable to infer, that, in such case, for the more bulky articles of West India produce, they would be led to rely in a still greater degree upon Foreign Islands, with augmented facilities; and that they would require specie in return for that portion of their supplies passing through the Northern Colonies; thereby increasing, rather than diminishing, the drain of that article, so far as it may be supposed to be affected by these Regulations.

The Undersigned would beg leave further to observe, that a refusal of the Proposition, which he has had the honour to make, can have no other obvious pretence than, by means of a monopoly, to give a forced growth to the Productions of the Northern Possessions, and, in the mean time, to compel the carrying of the produce of the United States, and that of the British West Indies, through their Ports.

The very necessity of a monopoly to effect such a purpose, however, clearly points out the difficulties of production, and the embarrassments of such a course of Trade, and shews the losses and distresses, to which the Planter must be subjected, for an indefinite length of time.

It is by no means certain, however, that these objects are consistent with each other, and that the abundant supply of the Productions of the United States, through the Northern Ports, would not as effectually discourage the productions of those Possessions, as the direct Trade, and in this way perpetuate the monopoly. Such a result is shewn to be more than probable by the foregoing observations, and by the Official Statements to which they apply. But it is perfectly certain that, if this monopoly should have the intended effect of fostering the growth in Canada of the Articles required for the West India Market, it would also have the effect of impelling the United States to the cultivation, within themselves, of the Articles for which they have been accustomed to depend upon the West Indies, and, consequently, of diminishing their demand for those Articles. The ability of the North to supply the Planter, therefore, would be attended with the loss, to the latter, of the means of purchasing the supply.

The reasonable duty proposed by the Act of 1825, even without the aid of the additional privileges, to which the Undersigned has heretofore presumed to allude, by gradually and reciprocally developing the resources and the means of consumption of the Northern Possessions; by providing a necessary Revenue for the Planters, and in the interim affording them an advantageous Market, would be much more effectual in attaining all rational and desirable ends.

From an impartial view of all the considerations involved in the subject, may not such a course be deemed worthy at least of an experiment? Whether we regard the general deductions of argument, or the series of indisputable facts, arising out of the course of Trade before and since the Order in Council of 1826, it can scarcely be denied that the present state of things has, thus far, produced greater injury to the British West Indies, than benefit to the British Northern Possessions, and that the Regulations of the Act of 1825, would be extremely beneficial to the Planters, if indeed not absolutely remedial of their great distress, will not be questioned. From a recurrence to those Regulations, therefore, much positive good is certain to arise; whereas the injury apprehended to others, exists only in conjecture, can be ascertained only by experience, and may always be remedied by the protecting Measures of Great Britain. It would appear, therefore, to the Undersigned, not merely courteous to the United States, but just to the various Possessions of Great

Britain, to recur to the expedient of trying, under the favourable legislation of both Countries, the real utility of the adjustment of 1825.

If the encouragement of the Northern Productions be not sufficient in its results to justify the permanent exclusion of those of the United States from the British West India Islands, it is equally unreasonable to insist, that the latter, and the produce of the Islands, shall be carried circuitously through the Northern Ports, at a loss to the Producer. The present demand, in addition to the indemnities actually enjoyed by the Northern Ports, strips the West India Planter of every advantage intended for him by the Act of 1825; taking from him not merely the general benefits of a direct Trade, but at the same time depriving him of the Revenue provided for the support of the Local Government.

That the Productions sent through the Canadas are not cheaper in the West Indies than those going through the other Ports, is shewn by the fact already made apparent, that a very important part of the supply is carried in the latter way, and especially through the Danish Islands; but as no Duty is collected on that coming from the British Possessions, the Planter, on his paying the same price as for that charged with a Duty, must, in addition, make up by some other means the loss to his Revenue.

It is at such sacrifices of publick considerations, and of important interests of Great Britain herself, that the present claim is made, of forcing the Trade of the United States with the British West India Islands through the British Northern Possessions.

The Undersigned might here ask the question, whether advantages like these now claimed, uncertain and contingent as they must necessarily be, deserve to be cherished at the risk which must eventually attend them? Are they of sufficient magnitude to justify the encouragement of a spirit of jealousy between two Neighbouring Nations, whose prosperity it is admitted would be best promoted by mutual good will; or the sowing, in the Population of these Northern Possessions, the seeds of Commercial hostility, which may produce roots of bitterness, difficult to be eradicated.

The Undersigned, however, hopes to be excused for asking Lord Aberdeen to consider, whether this claim be not as difficult of attainment, in fact, as it is of justification in reason.

That the United States may be prevented from enjoying a direct Trade with the British West India Islands, is not to be questioned; but it does not follow that they can be compelled to carry on the indirect Trade through the British Northern Possessions, in preference to the other Ports, and in opposition to the interests and inclinations of the American People. To ensure a continuance of such a constrained state of things, would require a far greater degree of favour than Great Britain gives to those Possessions at present, or could give, at any time, without effecting the ruin of her West India Planters.

The present course of Trade through those Colonies, in fact, owes its existence, in a great measure, to the toleration and forbearance of the United States. They have submitted to it for the moment, in the expectation that the Regulations of the Order of 1826 were merely temporary, and would yield, in due time, to a liberal regard to the general interests of Commerce. But when Great Britain shall avow the intention, permanently to exclude the United States from the direct Trade with her West India Islands, and to compel the interchange of their Products to pass through her Northern Possessions, for the purpose of creating or sustaining rival interests in that Quarter, it will then be for the United States to decide, whether their indirect Trade may not be more profitably conducted through other channels.

So entirely dependent are the Northern Possessions upon the will of the United States, for the advantages which they now enjoy, that a simple repeal of the Restrictions alluded to in the Proposition which the Undersigned had the honour to submit, if the United States could be supposed so entirely unmindful of their navigation interests and enterprize as to make it, without any act on the part of Great Britain, would effectually destroy their monopoly. And, moreover, if it should be deemed necessary or proper to aim measures at these Provinces alone, the permission of a direct Trade from the Ports of the United States to the British Islands, in British Vessels, other than those

owned in the Northern Ports, would not only break up the existing Trade, in that direction, but would for ever blight even the imaginary prospects of future production.

The advantages to the United States, however, of employing their own navigation in a part, at least, of the Trade; of enlarging and conciliating their interests in the Colonies of France, Spain, Sweden, and Denmark, and, by reciprocal accommodations of gradually encreasing the Market in those Parts, both for demand and supply, would powerfully, if not irresistibly, tempt their Trade into those Channels. Indeed the Official Returns, heretofore explained, sufficiently shew that it has, in fact, been already invited thither, in a considerable degree, by advantages which it would not be difficult to augment, until the commodities could be introduced as cheap as those of Great Britain; unless the latter should be protected by a higher scale of Duties than was contemplated by the Act of 1825, and one beyond the ability of the Planters to endure.

The Earl of Aberdeen will do the Undersigned the justice to believe, that, in discussing the contingent policy of the two Countries, in the arrangement of their Commercial enterprize, he holds forth no apprehended event with a view to intimidate, or through a desire that it may take place. He will also perceive, that the Measures last alluded to, would not necessarily imply, on the part of the United States, either resentment or retaliation; but would be resorted to as the system of Commercial Regulation, calculated, under the circumstances of the case, to give the best direction to an important branch of their enterprize. To such extent they would be altogether practicable and might be supposed indispensably necessary. They might, indeed, from the natural tendency of such Measures, and the peculiar influence of events, end in the total loss of the Trade between the United States and the British Northern Possessions.

In such a view of the subject, though the Undersigned will not here undertake to pronounce upon the value of the Trade in question, he would suggest, that it may be worthy the consideration of those who claim the advantages of monopoly, rather than of fair competition, whether the loss of it, with the chance of contesting with the Foreign Islands for the Trade with the West Indies, be preferable to a reasonable enjoyment of both?

That the United States possess the means of effectually controlling their Trade through and with the British Northern Colonies, the Undersigned is fully confident. He is aware, however, that a contrary idea has been entertained by some, who may have regarded the subject in a narrow or interested point of view.

In adverting to this topick, the Undersigned will not permit himself to suppose, that the possibility of evading the Revenue Laws of the United States, and of producing a course of Contraband Trade, in violation of their legitimate Regulations, can, for a moment, enter into the calculations of this Government, or receive the remotest degree of encouragement or countenance from its measures and policy.

If no other motive opposed the adoption of such an alternative, Great Britain would find a sufficient one in the certainty that, however for the moment it might minister to the jealousy, or appear to favour the interests of her subjects in the Colonies, it would, eventually, produce the most baneful effects upon their morals and their habits. Thus corrupted, the skill and hardihood acquired in evading and transgressing the Laws of a neighbouring Country, would afterwards be practised against those of their own Government.

But, in addition to the general disfavour, with which any expectation of benefit from a Contraband Trade should be met, Lord Aberdeen may be assured, that it would not be difficult for the United States to prevent such a Trade altogether. A more efficient Cordon of Police, and a greater degree of vigilance, might be requisite than in ordinary times; but the fidelity of the American Custom-house Officers has been thoroughly proved, and their exertions, even upon this Frontier, have, in general, been adequate to all substantial purposes. Such was the case, even when they were called upon to enforce the Embargo and Non-intercourse Laws, when they received but little sympathy or encouragement from the moral sentiment of the Community. The fact is,

however, too clear to require argument, that the amount of Trade, to be carried on by smuggling, however successful, would be inconsiderable, in comparison with the extent and profits of a legal and regular Interchange, and, therefore, is entitled to but little weight, even when regarded with a view to pecuniary results. Lord Aberdeen will not require to be reminded, that, to prevent illicit Trade, it is chiefly necessary to remove the temptation of high prices, or to create a risk, greater than the reward to be gained by successful fraud. Nothing could be more easy than this, in respect to the mode of Interchange now under consideration.

The interposition of the Custom-house Officer would scarcely be requisite to prevent the introduction of West India Produce into the United States, through the Northern Colonies. Arrangements could readily be made with the Powers to which the Foreign Islands belong, to furnish the requisite Supplies of West India Produce from those Islands, on cheap terms, and in steady and abundant quantities. These Arrangements would, of themselves, forbid competition. But, whilst American Flour can be carried to the British West Indies, as cheap from the United States, through the Foreign Islands, as through the Northern Possessions, though subject to the Discriminating Duty, in favour of the latter, of 5 shillings per barrel, it will not be supposed, that the bulky Articles, of Sugar, Rum, and Molasses, without such aid, can be tempted through the Northern Possessions by the risk of detection, and the penalties of the Law.

The Undersigned does not believe that the temptations and facilities for the introduction into the Northern Colonies of Flour and other Articles from the United States are materially greater.

So far as the Trade with the British West Indies can operate as an inducement, it has been seen already, that American produce is carried thither as cheap through the Foreign Islands, as the Northern Ports. The supply of American Flour in the Northern Colonies is believed to be principally furnished by the Genesee Country and the Country bordering upon Lake Erie; and it stands admitted in the Evidence, upon the Archives of the House of Commons, that for Flour, the Market at New York is generally better than the Market at Montreal and Quebec. Indeed so important is the operation of these facts, that the most intelligent Merchants suppose, that so much of the American Trade with the British West Indies, as passes through the Northern Colonies, instead of the Foreign Islands, is chiefly diverted thither by the greater facilities of procuring, in those Ports, an assorted Cargo, suitable to the West India Market.

In the testimony afforded by the Inhabitants of Lower Canada, to the Committee of the House of Commons in 1826, it was asserted, and remained uncontradicted, that, against "the superintendence of the British Custom-house Officers it would be impossible to smuggle any part of a Cargo, or even a barrel of Flour, into the Province of Lower Canada."

On this ground they were enabled to encourage the introduction of American Flour, in proportion to the amount of their Exports to the West Indies and other Places, without danger of its being brought into the Home consumption; and the encouragement then given shews the importance attached by His Majesty's Government to that evidence. On this supposition, Lord Aberdeen will readily acknowledge the facility with which the United States, through means of a Custom-house Police, strengthened and extended according to their means, may accomplish the same end; more especially as the readier interdiction of the Return Trade from Canada into the United States, by diminishing the means of payment, would also diminish the motives to incur the risk and penalties incident to a prohibited Trade.

The Undersigned is apprehensive that he has already dwelt longer upon these considerations than is necessary, after so much personal explanation, as he has heretofore had the honour of yielding, and will content himself, as to any further arguments that might be offered, with referring to the various other suggestions, which have been made by him in the course of this Negotiation. He cannot, however, entirely dismiss the subject, without repeating, for the last time, his deep solicitude for the result, and without most earnestly recalling the attention of His Majesty's Ministers to the state in which the

relations between the two Countries would be left, should this point be unfavourably decided. In such case the Government of the United States, while disappointed in its cherished hopes of an Arrangement, by mutual and reasonable concessions, would find nothing conciliating in the retrospect of a long course of fruitless Negotiation, and nothing cheering in the future prospect, darkened, as it would be, by the possibility of a recurrence, by the Two Nations, to that system of countervailing Measures, that has already proved so detrimental to their harmony and welfare.

The Undersigned takes this occasion, &c.

(Signed)

LOUIS M'LANE.

The Right Hon. The Earl of Aberdeen, K. T.,
&c. &c. &c.

No. 4.

Louis MacLane, Esq. to The Earl of Aberdeen.

9, Chandos-Street, Portland Place, July 12, 1830.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has had the honour already, in a personal Conference, to explain to the Earl of Aberdeen, His Majesty's Principal Secretary of State for Foreign Affairs, certain Measures adopted by the Congress of the United States, during their late Session, which have an immediate and important bearing on the relations of the two Countries, and upon the Proposition heretofore submitted by the Undersigned, respecting the West India Trade. Having received from the Earl of Aberdeen an intimation of the propriety of communicating those Measures in a more formal manner, the Undersigned has the honour, herewith, to transmit such information on the subject, as he is now in possession of.

The first of the Measures alluded to, is an Act of the Congress of the United States, authorizing the President, in the recess of Congress, to annul all the restrictive and discriminating Measures of the United States, and to open the Ports to British Vessels trading with the British West Indies, in the manner particularly pointed out in the Act, a Copy of which, for the better explanation of the case, the Undersigned begs leave to subjoin.

The Undersigned has the honour also to inform Lord Aberdeen, that, during the late Session of the Congress of the United States, several other Laws were passed, by which, in lieu of the Duties imposed upon certain Articles of the produce of the West India Islands, and of the Possessions of Great Britain, by previous Regulations, the following Duties only are to be collected, that is to say,

Upon all Foreign Molasses, from and after the 13th of September, 1830, a duty of 5 cents instead of 10 cents per gallon; allowing, at the same time, a Drawback of the Duty upon all Spirits distilled from that Article in the United States, on its exportation from the same.

On Salt, a Duty of 15 instead of 20 cents per bushel, from the 31st of December next, until the 31st of December 1831; and, after that time, 10 cents per bushel.

On Cocoa, a Duty of 1 cent per pound on all imported after the 31st of December 1830, or remaining at that time in the Custom-house Stores, under the bond of the Importer.

And on Coffee, a Duty of 2 instead of 5 cents per pound, from and after the 31st of December 1830, and of 1 cent per pound from the 31st of December, 1831; and the same Duties to be taken on Coffee, remaining at the respective times, under bond in the Custom-house Stores.

The Undersigned will not permit himself to doubt that, in the first of these Acts, emanating from the frank and friendly spirit which the President has uniformly professed, and passed with an avowed reference to the pending Negotiation, the Earl of Aberdeen will see new and irresistible motives for concurring in the promotion of the end to which this Measure directly leads.

Such a Measure could not have been recommended by the President without incurring a deep responsibility towards his own Country, and feeling a confident reliance upon the justice and magnanimity of this.

It is a voluntary and leading step, in the conciliating policy of the two Nations, taken in disdain of the restraints of form ; and which, if met in a corresponding spirit, cannot fail to produce that friendly intercourse and real harmony, so ardently desired by those who consult the true interests and glory of both Countries.

It concedes in its terms all the power in the regulation of the Colonial Trade, and authorizes the President to confer on British Vessels all the privileges, as well in the circuitous, as the direct Voyage, which Great Britain has at any time demanded or desired. It has done this in the only manner in which it was possible for Congress, at the present moment, and under existing circumstances, to act, without a total abandonment of even those advantages conceded by the present Regulations of Great Britain, and without raising up new interests to oppose or obstruct the favourable disposition expressed by this Government.

Nor will the Undersigned conceal his hope and belief, that this Act will stamp the Negotiation with a new and more favourable character ; and that the United States, having thus taken the first step, and particularly defined the terms of their Legislation, the mode of adjustment may be disencumbered of even those objections with which it was supposed to be embarrassed, when submitted to Lord Dudley, and by the Answer which, on that occasion, was given to Mr. Gallatin.

The objections suggested at that period, on the part of Great Britain, had no special or exclusive reference to the Measure in question, but to the giving of any prospective pledge, by which she might commit herself to the adoption of any specific line of conduct, contingent on events which could not be foreseen ; and to the entering into any informal Agreement, as to mutual Acts of Legislation, while it was impossible to anticipate the details with which those Acts might be accompanied, or the position and circumstances in which the Two Countries, and the Commercial Commonwealth, generally, might be placed, at the time when the Laws enacted should come into effect. If these objections could at any time have been essential to the subject, which the Undersigned by no means admits, they certainly are not so at present.

The Act of Congress has been passed, without any pledge, prospective or otherwise ; it, therefore, relieves the adjustment of this subject from that part of the difficulty. The details of the Colonial Legislation, on the part of the United States, are precisely defined, and fully explained by the Law. Frankly announcing all this, it leaves to Great Britain herself the selection of the mode and time in which, according to her conception of her own interests, she may restore the direct Trade between the United States and the West Indies. She is enabled, deliberately, to do this, with a full knowledge of the before-mentioned details, and of the precise position and circumstances, as well of the Two Nations, as of the Commercial Commonwealth, in general, at the time when the Measures are to come into effect. This she may do without any risk as to the future ; and with the certainty, that while doing an act of justice to a friendly Power, and relieving it from an invidious exclusion from advantages allowed to all other Nations, she is contributing materially to the prosperity of her Possessions in the West Indies.

The Undersigned will not dismiss this subject without expressing the hope and persuasion, that, in the other Measures of Congress alluded to, the Earl of Aberdeen will find, not merely all the considerations heretofore urged, for giving new facilities to the Trade between the United States and the British West Indies, materially strengthened, if not absolutely confirmed, but that a further and more favourable alteration is thereby made in the object and character of the Negotiation.

These Measures manifest at least a laudable desire to loose the shackles of Trade and Commerce, which, if England is so disposed, she cannot better encourage than by a relaxation of her own restraints upon the particular branch of Trade under discussion.

The Earl of Aberdeen has been already informed that the consumption of Foreign Molasses in the United States is not less than 13,000,000 of gallons, even under the discouragements of the high rate of Duty, and a denial of the Drawback, which nearly proved fatal to the chief source of consumption—the Distilleries of New England. It is obvious, however, that the reduction of the Duty to its present low rate, and the allowance of the Drawback, must swell the demand for this Article even beyond the ordinary amount, which, in the regular course of a direct Trade, would seek its principal supply in the British West Indies.

Of Coffee, not less than 37,000,000 of pounds were annually imported into the United States, and of those, in a regular Trade, not less than 8,000,000 from the British West Indies.

Of 400,000 pounds of Cocoa, annually imported into the United States, little less than one-fourth was brought from the British West Indies.

The Earl of Aberdeen will readily perceive that the reduction of Duty on these Articles, and especially on Coffee, to a rate which will soon be little more than nominal, cannot fail to, at least, double the importation.

These remarks apply, with even additional force, to the article of Salt, the consumption of which is more dependent on the rate of Duty, than that of any other necessary of life.

The enormous quantity of this Article requisite to supply the wants of 12,000,000 of people, is too obvious to need any conjectural assertion; but it is worthy of observation, that, notwithstanding the extent of the Home supply, encouraged by the high Duty of 20 cents per bushel, the annual importation of that Article from abroad seldom amounted to less than 5,000,000 of bushels. Of this amount, more than 3,000,000 came from Great Britain and her Possessions, her West India Islands furnishing at least 1,000,000.

To what extent this amount may be enlarged, by the increased consumption, arising from the low rate of Duty, and the advantages of an easy Trade, the Earl of Aberdeen may readily conjecture. It should be remarked, also, that, while the consumption of this Article is thus augmented, the diminution of the duty must proportionably diminish the price of salted provisions; so far as these, therefore, form part of the supplies of the West Indies, the subsistence of the Islands will be cheapened, while the demand for their produce is increased.

It should not escape the attention of the Earl of Aberdeen, that the provisions of these Acts of the Congress, so far as they relate to Cocoa, Coffee, and Salt, confer encouragements on the Trade of the West Indies with the United States, which did not exist, and could not have been contemplated, at the period of passing the Act of Parliament of 1825. They, therefore, superadd new and important motives for restoring the Trade then offered, and for restoring it upon terms not less favourable.

While the participation of the British Islands is invited in the advantages to be derived from this enlarged and increasing demand of the United States for the produce of the West Indies, the Undersigned takes leave to suggest the expediency of securing that participation, before the Trade may be exclusively diverted into other channels by the superior advantages of a direct Intercourse with other Islands.

In closing this Communication to the Earl of Aberdeen, the Undersigned will take the occasion to repeat his deep interest on the subject, and a renewed hope of an early and favourable issue. The Earl of Aberdeen will not fail to appreciate the spirit and motive, by which the President was actuated, in recommending, and the Congress, in passing, the Act, to which allusion was first made. The effects of delay, upon the Commercial enterprize of the United States, and the disappointment of interests, desirous of a different measure of Legislation, though they offered embarrassments, were not the greatest difficulties attendant upon that Act.

To give to Great Britain the fullest time to consult her own interest and convenience; to make a further and a signal effort to place the Commercial Relations of the Two Countries upon a footing of sure and lasting harmony; and to guard, in a manner consistently with duty, against delay during the recess of Congress, could only be done by a Measure calculated also to awaken

at once the spirit of Commercial speculation, and to create new expectations of favourable dispositions on the part of this Government.

If, as the Undersigned will continue to hope, the British Government should find it their interest to realize these expectations, their Measures will derive additional grace from the frankness and promptitude with which they may be adopted; and if, unfortunately, these hopes are destined to experience a disappointment, it is not less the duty of His Majesty's Government to quiet the publick expectations thus excited, and to mitigate, as far as may be in its power, the injurious effects thereof, by giving an early reply to the application which, in behalf of his Government, the Undersigned has had the honour to submit.

The Undersigned avails himself, &c.

(Signed)

LOUIS M'LANE.

The Right Hon. The Earl of Aberdeen, K. T.,
&c. &c. &c.

Enclosure in No. 4.

*Act of Congress to amend the Acts regulating the Commercial Intercourse
between the United States and certain Colonies of Great Britain.*

(Approved May 29th, 1830.)

(Sec. 1.)—BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the Ports in its Colonial Possessions in the West Indies, on the Continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the Vessels of the United States, for an indefinite or for a limited term, that the Vessels of the United States and their Cargoes, on entering the Colonial Ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British Vessels or their Cargoes, arriving in said Colonial Possessions from the United States; that the Vessels of the United States may import into the said Colonial Possessions from the United States any article or articles which could be imported in a British Vessel into the said Possessions from the United States; and that the Vessels of the United States may export from the British Colonies aforementioned, to any Country whatever, other than the Dominions or Possessions of Great Britain, any article or articles that can be exported therefrom in a British Vessel, to any Country other than the British Dominions or Possessions as aforesaid; leaving the Commercial Intercourse of the United States with all other Parts of the British Dominions or Possessions, on a footing not less favourable to the United States than it now is, and that then, and in such case, the President of the United States shall be, and he is hereby authorized, at any time before the next Session of Congress, to issue his Proclamation, declaring that he has received such evidence; and thereupon, from the date of such Proclamation, the Ports of the United States shall be opened, indefinitely, or for a term fixed, as the case may be, to British Vessels coming from the said British Colonial Possessions, and their Cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the Vessels of the United States, or their Cargoes, arriving from the said British Possessions; and it shall be lawful for the said British Vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in Vessels of the United States; and the Act, entitled "An Act concerning Navigation," passed on the 18th day of April, 1818, an Act supplementary thereto, passed the 15th day of May 1820; and an Act, entitled "An Act to regulate the Commercial Intercourse between the United States and certain British Ports," passed on the 1st day of March 1823, are, in such case,

hereby declared to be suspended, or absolutely repealed, as the case may require.

(Sec. 2.)—And be it further enacted, that, whenever the Ports of the United States shall have been opened under the authority given in the first Section of this Act, British Vessels and their Cargoes shall be admitted to an entry in the Ports of the United States from the Islands, Provinces, or Colonies of Great Britain, on or near the North American Continent, and North or East of the United States.

No. 5.

The Earl of Aberdeen to Louis MacLane, Esq.

Foreign Office, August 17, 1830.

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note of Mr. MacLane, &c. dated the 12th Ultimo, communicating certain Measures which have been adopted by Congress, with a view to remove the obstacles which have hitherto impeded the re-establishment of the Commercial Intercourse between the United States and the British West India Colonies.

Previously to the receipt of this Communication, His Majesty's Government had already had under their consideration Mr. MacLane's Note of the 16th of March last, explanatory of the Proposition contained in his Letter of the 12th of December, 1829, with reference to the same subject; and the Undersigned assures Mr. MacLane, that His Majesty's Government, in the earnest and dispassionate attention which they bestowed upon this Proposition, were actuated by the most friendly feelings towards the Government of the United States, and by a sincere disposition to meet the Proposals which he was authorized to make, in the spirit with which they were offered.

But the Undersigned considers it unnecessary now to enter into any detailed discussion of the points embraced in those previous Communications of Mr. MacLane, because they are, in a great measure, superseded by the more specifick, and, therefore, more satisfactory Propositions, contained in his Note of the 12th Ultimo; to the contents of which Note, therefore, the Undersigned will principally confine his present observations.

Of the character and effect of the recent Measure of the American Congress, Mr. MacLane observes, that "it concedes in its terms all the power in the Regulation of the Colonial Trade, and authorizes the President to confer on British Subjects all those privileges, as well in the circuitous, as the direct Voyage, which Great Britain has at any time demanded or desired."

In this declaration the Undersigned is happy to observe the same spirit and disposition which dictated Mr. MacLane's former Communications, wherein he announced the readiness and desire of the American Government "to comply with the conditions of the Act of Parliament of 1825;" and also "that the Claims advanced in justification of the omission of the United States, to embrace the offers of this Country, have been abandoned by those who urged them, and have received no sanction from the People of the United States:" and the Undersigned readily admits, that if the Bill, passed by the American Legislature, be well calculated, practically, to fulfil the expressed intentions of its Framers, it must have the effect of removing all those grounds of difference between the two Governments, with relation to the Trade between the United States and the British Colonies, which have been the subject of so much discussion, and which have constituted the main cause of the suspension of the Intercourse by those Restrictive Acts of the United States, which the American Government is *now* prepared to repeal.

The proposition *now* made by Mr. MacLane, for the revocation of the Order in Council of 1826, stands upon a ground materially different from that on which the same Question was brought forward, in the Notes of Mr. Gallatin, in 1827, and even in the more explanatory Overtures of Mr. MacLane, contained in his Communications of December, 1829, and March, 1830.

Those several Proposals were all of them invitations to the British Government to pledge itself, hypothetically, to the revocation of the Order in Council, in the event of a repeal of those Acts of the American Congress, which gave occasion to it. His Majesty's Government declined to give that prospective pledge or assurance, on the grounds stated in Lord Dudley's Note of the 1st of October, 1827. But the objections then urged are not applicable to the present Overture; provision has now been made by an Act of the American Legislature, for the re-establishment of the suspended Intercourse, upon certain terms and conditions; and that Act being now before His Majesty's Government, it is for them to decide whether they are prepared to adopt a corresponding Measure on the part of Great Britain for that object.

The Undersigned is ready to admit that, in spirit and in substance, the Bill, transmitted by Mr. MacLane, is conformable to the view which he takes of it, in the expressions before quoted from his Note of the 12th July, and that it is, therefore, calculated to afford to Great Britain complete satisfaction on the several points which have been heretofore in dispute between the Two Countries. He has also received with much satisfaction, the explanation which Mr. MacLane has afforded him, verbally, in the last Conference which the Undersigned had the honour of holding with him upon those passages in which the wording of the Bill appears obscure, and in which it seems, at least, doubtful whether the practical construction of it would fully correspond with the intentions of the American Government, as expressed by Mr. MacLane: but it is nevertheless necessary, in order to remove all possibility of future misapprehension upon so important a subject, that he should recapitulate the points upon which those doubts have arisen, and distinctly state the sense in which the Undersigned considers Mr. MacLane as concurring with him in the interpretation of them.

The first point in which a question might arise, is in that passage of the Bill, wherein it is declared as one of the conditions on which the Restrictions now imposed by the United States may be removed,—“that the Vessels of the United States, and their Cargoes, on entering the Ports of the British Possessions as aforesaid,” (viz.:—in the West Indies, on the Continent of America, the Bahama Islands, the Caicos, and the Bermuda, or Somer Islands) “shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British Vessels, or their Cargoes, arriving in the said Colonial Possessions *from the United States of America.*” It is not quite clear, whether the concluding words,—“from the United States of America,” are meant to apply to the Vessels of the United States and their Cargoes, in the first part of the paragraph, as well as to those of Great Britain, or her Colonies, in the latter part.

It can scarcely, indeed, have been intended, that this Stipulation should extend to American Vessels coming with Cargoes from any other Places than the United States, because it is well known that under the Navigation Laws of Great Britain, no Foreign Vessel could bring a Cargo to any British Colonial Port from any other Country than its own.

The next condition expressed in the Act is,—“that the Vessels of the United States may import into the said Colonial Possessions from the United States, any Article or Articles which could be imported in a British Vessel into the said Possessions from the United States.”

In this passage it is not made sufficiently clear, that the Articles to be imported, on equal terms, by British or American Vessels from the United States, must be *the produce of the United States*. The Undersigned, however, cannot but suppose that such a limitation must have been contemplated, because the Clause of the Navigation Act, already adverted to, whereby an American Vessel would be precluded from bringing any Article not the produce of America, to a British Colonial Port, is not only a subject of universal notoriety, but the same provision is distinctly made in the Act of Parliament of 1825, which has been so often referred to in the discussions on this subject.

It was also necessary that the Undersigned should ask for some explanation of that Section of the Bill, which has reference to the entry of Vessels into

the Ports of the United States from the Continental Colonies of Great Britain in North America. These are not placed in the terms of the Act, on the same footing as the Ships coming from the Colonies of the West Indies.

With respect to the latter, the express provision made for the direct Inter-course with those Colonies, together with the simultaneous repeal of the several American Acts, which interdict, at present, the carriage of Goods from the United States to West Indian Ports, in Ships having arrived from other Ports of the British Dominions, appear fully to warrant the expression before quoted, of Mr. MacLane, "that the Act would confer on British Vessels all those privileges, as well in the circuitous, as in the direct Voyage, which Great Britain has at any time demanded." But, with regard to the Continental Colonies, there is merely a provision for "admitting to entry in the Ports of the United States, British Vessels, or their Cargoes, from the Islands, Provinces, or Colonies of Great Britain, on or near the North American Continent, and North or East of the United States." It must, indeed, be presumed, that Vessels from these Colonies are intended to be admitted upon the same terms, in all respects, and to be entitled to the same privileges, as British Ships from any other British Colony.

The Act of Congress requires, as a further condition, that, when the Inter-course with the West India Colonies shall be opened by Great Britain, "the Commercial Inter-course of the United States with all other Parts of the British Dominions or Possessions, shall be left on a footing not less favourable to the United States than it now is."

Although it may be most truly stated, that there exists, at this time, no intention to make any alteration in the Commercial Policy of Great Britain, and equally, that there is no disposition on the part of His Majesty's Government to restrict in any measure the Commercial Relations between this Country and the United States; yet the positive condition, to maintain unchanged, or upon any particular footing of favour, every part of our system of Trade, affecting our Inter-course with America, could not with propriety be made the subject of any specifick Engagement connected with the renewal of the Colonial Inter-course. Whether that Inter-course be renewed or not, it ought to remain at all times as free as it now is, both to the Government of Great Britain and to that of the United States, to adopt from time to time such Commercial Regulations as either State may deem to be expedient for its own interests, consistently with the obligations of existing Treaties.

It is due to the candour with which the Communications of Mr. MacLane have been made on this subject, that the Undersigned should be thus explicit in noticing the passage in the Bill to which he has now adverted.

Mr. MacLane, in his Note of the 12th Ultimo, has described and explained the material diminution which has been made in the Duties payable in the United States on the importation of certain Articles of Colonial produce. This measure has been viewed by His Majesty's Government with sincere satisfaction, as indicating a disposition to cultivate a Commercial Inter-course with His Majesty's Colonies, upon a footing of greater freedom and reciprocal advantage than has hitherto existed. But the Undersigned must frankly state, that, in the general consideration of the question now to be determined, no weight ought to be assigned to the reduction of those duties, as forming any part of the grounds on which the re-establishment of the Inter-course may be acceded to. Those changes are part of the general scheme of taxation, which the Government of America may at all times impose or modify with the same freedom as that which Great Britain may exercise in the regulation of any part of its system of duties; and it is the more essential that His Majesty's Government should not contract, by implication, any Engagement towards that of the United States with respect to such alterations; because His Majesty's Government have already had under their consideration the expediency of introducing some modifications into the Schedule of Duties attached to the Act of Parliament of 1825, with a view more effectually to support the interests of the British North American Colonies. To those interests, fostered as they have incidentally been, by the suspension of the Inter-course between the United States and the West Indies, His Majesty's Government will continue to look with an earnest desire to afford them such protection, by Discriminating

duties, as may appear to be consistent with the interests of other Parts of His Majesty's Dominions, and with a sound policy in the Commercial Relations of this Country with all other States.

The Undersigned has thought it desirable, that this point should be distinctly understood on both sides, in order that no doubt should exist of the right of Great Britain to vary those Duties, from time to time, according to her own views of expediency, unfettered by any obligation, expressed or implied, towards the United States, or any other Country.

The Undersigned adverts, again, with satisfaction, to the verbal explanations which he has received from Mr. MacLane, of those passages in the Act of Congress, which have not appeared to the Undersigned to be literally adapted to the provisions of the Act of Parliament of 1825. He concurs with Mr. MacLane in thinking, that these will be found to have been merely apparent deviations from the conditions of that Statute; because, the whole of the recent proceedings of the American Government and Legislature, in this matter, have been manifestly and expressly founded upon a determination to conform to it. Any other view of the subject would be entirely at variance with the tenour of the several Communications from Mr. MacLane, before adverted to, which have all been conformable to the explicit Proposition contained in his Note, of the 12th December 1829, "that the Government of the United States should now comply with the conditions of the Act of Parliament, of July 5, 1825, by an express Law, opening their Ports for the admission of British Vessels, and by allowing their entry with the same kind of British Colonial produce, as may be imported in American Vessels, the Vessels of both Countries paying the same charges; suspending the Alien Duties on British Vessels and Cargoes, and abolishing the Restrictions in the Act of Congress, of 1823, to the direct Intercourse between the United States and the British Colonies; and that such a Law should be immediately followed by a revocation of the British Order in Council, of the 27th July, 1826; the abolition or suspension of all Discriminating Duties on American Vessels in the British Colonial Ports, and the enjoyment, by the United States, of the advantages of the Act of Parliament, of the 5th July, 1825." It only remains, therefore, for the Undersigned to assure Mr. MacLane, that, if the President of the United States shall determine to give effect to the Act of Congress, in conformity with the construction put upon its Provisions, both by Mr. MacLane and by the Undersigned, all difficulty, on the part of Great Britain, in the way of the renewal of the Intercourse between the United States and the West Indies, according to the foregoing Proposition made by Mr. MacLane, will thereby be removed.

The Undersigned, &c.

Louis MacLane, Esq.
&c. &c. &c.

(Signed)

ABERDEEN.

No. 6.

Louis MacLane, Esq. to The Earl of Aberdeen.

9, Chandos Street, Portland Place,
November 3, 1830.

THE Undersigned, &c. has the honour to transmit, herewith, to the Earl of Aberdeen, a Proclamation issued by the President of the United States, on the 5th of October last, and also a Letter of Instructions from the Secretary of the Treasury, in conformity thereto, to the several Collectors of the United States, removing the Restrictions on the Trade in British Vessels, with the Ports of the United States, and the Colonial Possessions of Great Britain: and the Undersigned takes leave to add, that; though these Papers appear to be sufficiently clear and explicit, he will take much pleasure in making any further personal explanation of their import, that may be considered desirable.

It will be perceived, however, that, by virtue of the foregoing Proclamation, and the operation of the Act of Congress, of the 29th May, 1830, the restric-

tive Acts of the United States are absolutely repealed; that the Ports of the United States are opened to the admission and entry of British Vessels, coming from any of the British Ports mentioned in both Sections of the said Act, with the same kind of British Colonial produce as may be imported in American Vessels, and upon the same terms; that the Alien Duties, in the Ports of the United States, on British Vessels and their Cargoes, and also the Restrictions in the Act of the Congress of the United States of 1823, to the direct Intercourse between the United States and the British West India Colonies, are abolished.

The Undersigned has the honour to state further, that these Acts have been performed by the President, in conformity with the Letter of the Earl of Aberdeen, of the 17th of August last, and that, by accepting the assurance of the British Government, with the accompanying explanation, as a compliance with the requisitions of the Act of Congress of the 29th of May, 1830, and doing all that was necessary on the part of the United States to effect the proposed Arrangement, he has adopted, without reserve, the construction put upon the Act of Congress, both by the Earl of Aberdeen, and the Undersigned.

In communicating these Documents to the Earl of Aberdeen, the Undersigned is instructed to inform him, that the President has derived great satisfaction from the candour manifested by His Majesty's Ministers in the course of the Negotiation; and that, having thus given effect to the Arrangement on the part of the United States, he does not doubt that Great Britain, acting in the spirit and terms of the Proposition, submitted by the Undersigned, and accepted in the Letter of Lord Aberdeen, of the 17th of August last, will as promptly comply with those terms on her part, and remove the existing obstructions to the renewal of the Intercourse between the Ports of the United States, and the British Colonial Possessions.

In conclusion, the Undersigned takes leave to state, that, from the date of the Proclamation of the President, the Vessels of Great Britain have been, and are actually, in the enjoyment of all the advantages of the proposed Arrangement, while the Vessels of the United States are, and must remain, excluded from the same, until the requisite measures shall be adopted by this Government. The Undersigned has the honour to ask, therefore, that the Earl of Aberdeen will enable him to communicate the adoption of those Measures to his Government, by the opportunity which will offer for that purpose, on the 6th Instant.

The Undersigned avails himself, &c.

(Signed)

LOUIS M'LANE.

The Right Hon. The Earl of Aberdeen, K. T.

&c.

&c.

&c.

First Enclosure in No. 6.

PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES.—OCT. 5, 1830.

By the President of the United States of America.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of the United States, passed on the 29th day of May, 1830, it is provided, that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the Ports in its Colonial Possessions in the West Indies, on the Continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the Vessels of the United States, for an indefinite or for a limited term; that the Vessels of the United States, and their Cargoes, on entering the Colonial Ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British Vessels, or their Cargoes, arriving in the

said Colonial Possessions from the United States; that the Vessels of the United States may import into the said Colonial Possessions, from the United States, any article or articles which could be imported in a British Vessel into the said Possessions, from the United States; and that the Vessels of the United States may export from the British Colonies aforementioned, to any Country whatever, other than the Dominions or Possessions of Great Britain, any article or articles that can be exported therefrom in a British Vessel, to any Country other than the British Dominions or Possessions as aforesaid—leaving the Commercial Intercourse of the United States, with all other Parts of the British Dominions or Possessions, on a footing not less favourable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next Session of Congress, to issue his Proclamation, declaring that he has received such evidence; and that, thereupon, and from the date of such Proclamation, the Ports of the United States shall be opened indefinitely, or for a term fixed, as the case may be, to British Vessels coming from the said British Colonial Possessions, and their Cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the Vessels of the United States, or their Cargoes, arriving from the said British Possessions; and that it shall be lawful for the said British Vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in Vessels of the United States; and that the Act, entitled “An Act concerning Navigation,” passed on the 18th day of April, 1818, an Act supplementary thereto, passed the 15th day of May, 1820, and an Act, entitled “An Act to regulate the Commercial Intercourse between the United States and certain British Ports,” passed on the 1st day of March, 1823, shall, in such case, be suspended, or absolutely repealed, as the case may require:

And whereas, by the said Act, it is further provided, that, whenever the Ports of the United States shall have been opened under the authority thereby given, British Vessels and their Cargoes shall be admitted to an entry in the Ports of the United States, from the Islands, Provinces, or Colonies of Great Britain, on or near the North American Continent, and North or East of the United States:

And whereas satisfactory evidence has been received by the President of the United States, that, whenever he shall give effect to the provisions of the Act aforesaid, the Government of Great Britain will open, for an indefinite period, the Ports in its Colonial Possessions in the West Indies, on the Continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the Vessels of the United States, and their Cargoes, upon the terms, and according to the requisitions, of the aforesaid Act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim, that such evidence has been received by me; and that by the operation of the Act of Congress, passed on the 29th day of May, 1830, the Ports of the United States are, from the date of this Proclamation, open to British Vessels coming from the said British Possessions, and their Cargoes, upon the terms set forth in the said Act; the Act, entitled “An Act concerning Navigation,” passed on the 18th day of April, 1818, the Act supplementary thereto, passed the 15th day of May, 1820, and the Act, entitled “An Act to regulate the Commercial Intercourse between the United States and certain British Ports,” passed the 1st day of March, 1823, are absolutely repealed; and British Vessels, and their Cargoes, are admitted to an entry in the Ports of the United States, from the Islands, Provinces, and Colonies of Great Britain, on or near the North American Continent, and North or East of the United States.

Given under my hand, at the City of Washington, the 5th day of October, in the Year of our Lord 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. Van Buren, Secretary of State.

Second Enclosure (A.) in No. 6.

The Secretary of the Treasury to the Secretary of State.

SIR,

Treasury Department, October 6, 1830.

I HAVE the honour to enclose a Copy of the Instruction, issued this day, to the Collectors of Customs, under the Proclamation of the President, for opening the Ports of the United States to British Vessels, and their Cargoes, coming from the Colonial Possessions of Great Britain.

I have, &c.

(Signed) S. D. INGHAM.

The Hon. M. Van Buren.

Second Enclosure (B.) in No. 6.

Circular of the Treasury Department to the Collectors of the Customs.

SIR,

Treasury Department, October 6, 1830.

YOU will perceive, by the Proclamation of the President, herewith transmitted, that, from and after the date thereof, the Act, entitled, "An Act concerning Navigation," passed on the 18th of April, 1818; an Act, supplementary thereto, passed the 15th of May, 1820; an Act, entitled "An Act to regulate the Commercial Intercourse between the United States and certain British Ports," passed on the 1st of March, 1823; are absolutely repealed; and the Ports of the United States are opened to British Vessels and their Cargoes, arriving from the Ports of the British Colonial Possessions in the West Indies, on the Continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands; also from the Islands, Provinces, or Colonies, of Great Britain, on or near the North American Continent, and North or East of the United States. You will, therefore, admit to entry such Vessels, being laden with the productions of Great Britain, or her said Colonies, subject to the same duties of tonnage and impost, and other charges, as are levied on the Vessels of the United States, or their Cargoes, arriving from the said British Colonies. You will, also, grant Clearances to British Vessels, for the several Ports of the aforesaid Colonial Possessions of Great Britain, such Vessels being laden with such articles as may be exported from the United States in Vessels of the United States. And British Vessels, coming from the said British Colonial Possessions, may also be cleared for Foreign Ports and Places, other than those in the said British Colonial Possessions, being laden with such articles as may be exported from the United States in Vessels of the United States.

I am, &c.

(Signed) S. D. INGHAM.

The Collectors of the Customs.

No. 7.

*The Earl of Aberdeen to Louis MacLane, Esq.**Foreign Office, November 5th, 1830.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note of Mr. MacLane, &c., of the 3d Instant, in which he encloses a Proclamation issued by the President of the United States, on the 5th Ultimo, and also a Letter of Instructions from the Secretary of the Treasury, in conformity thereto, to the several Collectors of the United States, removing the restrictions on the Trade in British Vessels with the Ports of the United States and the Colonial Possessions of Great Britain.

Mr. MacLane observes, that, by virtue of the Proclamation in question, and the operation of the Act of Congress, of the 29th May 1830, the restrictive

Acts of the United States are absolutely repealed ; that the Ports of the United States are opened to the admission and entry of British Vessels, coming from any of the British Ports mentioned in both Sections of the said Act, with the same kind of British Colonial produce as may be imported in American Vessels, and upon the same terms ; that the Alien Duties, in the Ports of the United States, on British Vessels, and their Cargoes, and also the restrictions in the Act of Congress of the United States of 1823, to the direct Intercourse between the United States and the British West India Colonies, are abolished.

Mr. MacLane adds, that, in performing these Acts, the President of the United States has adopted, without reserve, the construction put upon the Act of Congress of the 29th of May 1830, by himself, and by the Undersigned in his Note of the 17th of August last.

The Undersigned having stated to Mr. MacLane, in his abovementioned Note, that, under such circumstances, all difficulty on the part of Great Britain, in the way of the renewal of the Intercourse between the United States and the West Indies, according to the Proposition made by Mr. MacLane, would be removed,—he has now the honour to transmit to Mr. MacLane the accompanying Copy of an Order issued by His Majesty in Council this day, for regulating the Commercial Intercourse between the United States and His Majesty's Possessions Abroad.

The Undersigned cannot omit this opportunity of expressing to Mr. MacLane the satisfaction of His Majesty's Government at the promptitude and frankness with which the President of the United States has concurred in the view taken by them of this Question ; and at the consequent extension of that Commercial Intercourse, which it is so much the interest of both Countries to maintain, and which His Majesty will always be found sincerely desirous to promote by all the means in his power.

The Undersigned, &c.

(Signed

ABERDEEN.

Louis MacLane, Esq.

&c. &c. &c.

Enclosure in No. 7.

ORDER IN COUNCIL.—NOVEMBER 5, 1830.

At the Court of *St. James's*, the 5th day of November, 1830,

PRESENT,

The KING'S Most Excellent Majesty in Council.

WHEREAS by a certain Act of Parliament, passed in the 6th Year of the Reign of His late Majesty King George the Fourth, entitled, "An Act to regulate the Trade of the British Possessions abroad," after reciting, that, "by the Law of Navigation, Foreign Ships are permitted to import into any of the British Possessions Abroad, from the Countries to which they belong, Goods, the produce of those Countries, and to export Goods from such Possessions, to be carried to any Foreign Country whatever, and that it is expedient that such permission should be subject to certain conditions ;" it is, therefore, enacted, "that the privileges thereby granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like privileges of trading with those Possessions to British Ships, or which, not having Colonial Possessions, shall place the Commerce and Navigation of this Country, and of its Possessions Abroad, upon the footing of the most favoured Nation, unless His Majesty, by His Order in Council, shall, in any case, deem it expedient to grant the whole, or any of such privileges, to the Ships of any Foreign Country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign Country :"

And whereas, by a certain Order of His said late Majesty in Council, bearing date the 27th day of July, 1826, after reciting, that the conditions mentioned and referred to in the said Act of Parliament, had not in all respects been fulfilled by the Government of the United States of America, and that, therefore, the privileges so granted as aforesaid by the Law of Navigation to Foreign Ships, could not lawfully be exercised or enjoyed by the Ships of the United States aforesaid, unless His Majesty, by His Order in Council, should grant the whole or any of such privileges to the Ships of the United States aforesaid: His said late Majesty did, in pursuance of the powers in Him vested by the said Act, grant the privileges aforesaid to the Ships of the said United States; but did thereby provide and declare, that such privileges should absolutely cease and determine in His Majesty's Possessions in the West Indies and South America, and in certain other of His Majesty's Possessions abroad, upon and from certain days in the said Order for that purpose appointed, and which are long since passed:

And whereas, by a certain other Order of His said late Majesty in Council, bearing date the 16th of July, 1827, the said last mentioned Order was confirmed: And whereas, in pursuance of the Acts of Parliament, in that behalf made and provided, His said late Majesty, by a certain Order in Council, bearing date the 21st day of July, 1823, and by the said Order in Council, bearing date the 27th day of July, 1826, was pleased to order, that there should be charged on all Vessels of the said United States, which should enter any of the Ports of His Majesty's Possessions in the West Indies or America, with articles of the growth, produce, or manufacture, of the said States, certain duties of Tonnage and of Customs therein particularly specified:

And whereas it hath been made to appear to His Majesty in Council, that the Restrictions heretofore imposed by the Laws of the United States aforesaid, upon British Vessels, navigated between the said States and His Majesty's Possessions in the West Indies and America, have been repealed, and that the Discriminating Duties of Tonnage and of Customs, heretofore imposed by the Laws of the said United States, upon British Vessels and their Cargoes, entering the Ports of the said States from His Majesty's said Possessions, have also been repealed, and that the Ports of the United States are now open to British Vessels and their Cargoes, coming from His Majesty's Possessions aforesaid; His Majesty doth, therefore, with the advice of His Privy Council, and in pursuance and exercise of the powers so vested in Him, as aforesaid, by the said Act, so passed in the 6th Year of the reign of His said late Majesty, or by any other Act or Acts of Parliament, declare, that the said recited Orders in Council, of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said Order in Council, of the 16th day of July, 1827 (so far as such last mentioned Order relates to the said United States), shall be, and the same are, hereby respectively revoked:

And His Majesty doth further, by the advice aforesaid, and in pursuance of the powers aforesaid, declare that the Ships of and belonging to the said United States of America, may import from the United States aforesaid, into the British Possessions Abroad, Goods the produce of those States, and may export Goods from the British Possessions Abroad to be carried to any Foreign Country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Sir George Murray, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

Jas. Buller.

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Progress which has been made in the works for the improvement of the water communication between Montreal and Kingston, by the Rideau and Ottawa rivers; of the sums expended, and the probable cost of those works which remain to be executed; (13.) IX. 15.

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Account of the liquidation of British claims on the government of France, laid before the Finance Committee in 1828, which was presented to the House upon the 24th June 1829; (320.) - - - - - XIV. 5

Claims in respect of commercial debts or balances of accounts due in France to British subjects in 1793, which have been adjudicated by the late Commissioners; (48.) - - - - - XIV. 13

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Bill for regulating the vend and delivery of coals in the cities of London and Westminster, and in certain parts of the counties of Middlesex, Surrey, Kent, and Essex; (304) - - - - - I. 365

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Bill to repeal the duties on coals and slates carried coastwise, and to reduce the duties on coals exported; (167.) - - - - - I. 397

Rate of the duties on coals carried coastwise payable on 5th January 1792, and on 5th January 1831; (in 146.) - - - - - X. 213

3. Accounts relating to Ireland :

Annual average quantity of coals retained for home consumption in Ireland, in triennial periods, 1790, 1800, 1810, 1820, 1830; with the rate of duty; (in 98.) - - - - - X. 273

4. Exported to Foreign Countries :

Quantity of coals exported to foreign countries, distinguishing each country or colony, with the amount sent to each, whether exported in a British or foreign ship, as well as the amount of duty paid at the time of such export in a British or foreign ship, from 1816 to 1829 inclusive; (287.) - - - - - X. 331

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Cocoa :

Quantity of cocoa imported into the United Kingdom in each year 1821—1830; quantity entered for home consumption; the amount of duty received; and the quantity consumed in His Majesty's navy, during the same period; (380.) - - - - - X. 341

Coffee :**1. Duties :**

Quantity which paid the duties of customs or excise for home consumption, showing the rate and amount of duty in 1829, for Great Britain; (in 28.) X. 217

Rate of the duties of customs and excise on coffee payable on 5th January 1792 and 5th January 1831; (in 146.) - - - - - X. 213

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Coinage :**1. Gold Coinage :**

Quantity of pounds weight of standard gold received into His Majesty's Mint, and the value of gold monies coined in 1828 and 1829, stating the expense of coining the same, and on whose account coined; amount retained in each year for assaying loss and coinage, and how applied; (109.) - - - - - V. 355

Quantity of pounds weight of standard gold received into His Majesty's Mint from 31st December 1829 to the 15th February 1831, and value of gold monies coined, (specifying the denomination of coin), stating the expense incurred in coining the same, for whose account coined, and distinguishing the amount coined for the Bank of England from the amount coined for all other purposes, and stating the amount retained for assaying loss and coinage, and how the same has been applied; (161.) - - - - - V. 359

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Colonial Department, Secretary of State for. see *Miscellaneous Services*, II.

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Colonial Revenue :

First, Second and Third Reports of the Commissioners appointed to inquire into the Receipt and Expenditure of the Revenue in the Colonies and Foreign possessions, so far as relates to Malta, Gibraltar and Australian colonies; (64.) IV. 1

Fourth Report of Commissioners (Mauritius); (194.) - - - IV. 121

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Governors of Plantations :

Bill to render valid acts done by the governor of any of His Majesty's plantations after the expiration of his commission by the demise of his late Majesty; (35. 59.) - - - I. 401

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Commissary Court of Dumfries. see *Compensation*, 1.

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of Roads and Bridges. see *Roads and Bridges, Ireland*.

of Shrewsbury and Holyhead Roads. see *Holyhead Roads*.

Commitments :

England and Wales ; London and Middlesex :

Account of the commitments to prison of persons charged with capital crimes, and of the punishment of death, in the county of Middlesex and the city of London, from May 1827 to April 1830, in the order of the dates of commitment; (105.) XII. 461

Summary statement of persons charged with criminal offences committed to the different gaols in England and Wales, and in London and Middlesex, for trial at the assizes and sessions, 1824—1830; (308.) - - - XII. 493

Scotland :

Number of persons, distinguishing males from females, committed in 1830 to the several gaols in Scotland, under warrants directing them to be detained till liberated in due course of law; (260.) - - - XII. 591

Ireland :

Returns from the Clerk of the Crown and Clerks of the Peace of the several counties in Ireland, of the number of persons committed to the different gaols thereof for trial, 1830; (294.) - - - XII. 631

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Common Law Commission. see *Miscellaneous Services*, IV.

Common Law Courts :

Bill to prevent the expense and delay of suits in the common law courts at Westminster; (240.) - - - I. 25

Common Pleas. see *Offices*.

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Compensation :**1. Scotland ; Commissary Courts :**

Warrant granting compensation to Robert Threshie, clerk of the Commissary Court of Dumfries ; (125.) - - - - - VIII. 237

Warrant granting compensation to George Carphin, clerk of the Commissary Court of Edinburgh ; to Colin Dunlop Donald, clerk of the Commissary Court, Lanarkshire ; and to John Munro, and others, macers of the Court of Session ; (106.) - - - - - VIII. 239

2. Ireland ; Court of Exchequer :

Certificate filed by the Commissioners of Judicial Inquiry, in the office of the Auditor General in Ireland, on the claim of the late Lord Chief Baron of the Court of Exchequer in Ireland, for compensation ; (390.) - - - - - VIII. 245

Conscience, Court of. see *Dublin*, 1.

Consolidated Fund :

Bill to apply a certain sum of money out of the Consolidated Fund to the service of the year 1830 ; (34.) - - - - - II. 381

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Constabulary, Ireland :

Number of persons who have lost their lives, or have been severely wounded in affrays with them ; and number and names of persons in the constabulary force who have been killed or severely wounded, in each year since the formation of that body ; (67.) - - - - - VIII. 403

Contingencies. see *Civil Contingencies*.

Controversies. see *Arbitration*.

Convicts :

Two Reports of John Henry Capper relating to the convict establishments at Devonport, Portsmouth, Tipnor, Sheerness, Chatham, Woolwich, Deptford, and Bermuda ; (162.) - - - - - XII. 439

Convicts, at Home and Abroad, and at Bermuda. see *Miscellaneous Services*, IV. *Penitentiary*.

Convicts, Stores for New South Wales and Van Diemen's Land for. see *Miscellaneous Services*, V.

Convictions. see *Beer*. *Forgery*. *Game*.

Copper :

Quantity and value of copper manufactures imported into the United Kingdom, 1824—1829 ; (in 28.) - - - - - X. 217

Accounts of copper imported into and exported from Great Britain and the Ports of London and Liverpool, in 1830 ; (in 376.) - - - - - X. 421

Cork. see *Corporations*.

Corn and Grain :**1. Average Prices :**

Quantities and average prices of wheat returned each week in 1828, 1829, and 1830, by the corn inspectors in London, Liverpool, and Manchester ; also, the aggregate quantities and average prices returned each week by the whole kingdom, and the aggregate weekly average price that governed the duty, and the rate of duty in each week ; showing also, the total quantity returned by London, Liverpool and Manchester, in each year ;—Number of quarters of wheat returned by the inspectors of corn returns, as being sold in each week, 1828—1830, in the several counties of England and Wales, comprising the 150 towns from which returns are required ; showing also, the total quantities each week ; (119.) - - - - - X. 365

2. Importation :

Quantity of grain and flour, of all sorts, imported from foreign parts, from the British possessions abroad, and from Ireland, 1820—1830 ; (96.) - - - - - X. 387

Account of the amount of corn, grain, meal, and flour, imported in each year, from 1815 inclusive, to the latest period the same can be made up ; distinguishing the importations from Ireland and the British Colonies ; (330.) - - - - - X. 383

3. Revenue from Importation :

Duty levied upon corn imported from foreign countries, distinguished from that levied upon corn imported from the British possessions out of Europe, from 28th February 1830 ; (46.) - - - - - X. 385

4. In Warehouse :

Quantity of foreign and colonial wheat remaining in warehouse in the United Kingdom on 1st January 1828, 1829, 1830, and 1831 ; Quantities entered weekly for home consumption ; total quantity imported ; entered for home con-

Corn and Grain—*continued.*4. *In Warehouse*—*continued.*

sumption; re-exported, and remaining in the warehouses; Quantity of wheat imported weekly from Ireland, and coastwise, into Liverpool; Total quantities of foreign and colonial wheat imported at Liverpool; entered for home consumption; re-exported, or remaining in warehouse there on 1st January 1829, 1830, and 1831; (329.) - - - - - X. 355

Cornwall, Duchy of:

Bill to enable His Majesty to make leases, copies, and grants of offices, lands, and hereditaments, parcel of the Duchy of Cornwall, or annexed to the same; (359.) - - - - - I. 427

Corporate Property. *see Elections, I.*

Corporations, Ireland:

Number of protestant tradesmen and artificers admitted to the freedom of the town of Galway; also, number of Protestant settlers who have been admitted to the freedom of the cities of Cork, Limerick, and Londonderry, within the last ten years; also, Copies of the charters of incorporation granted to the town of Galway; (196.) - - - - - XIV. 195

Correspondence relative to Commercial Intercourse between America and the British West India Colonies. *see Trade.*Corsican Emigrants. *see Miscellaneous Services, III.*Costs of Prosecutions. *see Felonies.*

Cotton:

Bill to alter the duties now payable upon the importation of cotton-wool; (385.) - - - - - I. 409

1. *Exported:*

Account of printed goods exported from 1798—1829, with the amount of duties received and drawbacks returned in each year;—Account of cotton manufactured goods exported from Great Britain, 1798—1829; specifying the real or official value, with the increase or decrease of the former, each year, as compared with the latter;—Account of cotton twist and yarn exported, 1798—1829; (145.) - - - - - X. 397

Value of cotton goods exported, 1792 and 1829, distinguishing the real from the official value, and stating the rates at which the respective denominations of value are calculated; (in 183.) - - - - - X. 491

2. *Imported:*

Quantity and value of cotton manufactures imported into the United Kingdom, 1824—1829; (in 28.) - - - - - X. 217

Number of bales of cotton imported into Great Britain from the United States, 1829; distinguishing the quantity brought in British and Foreign ships; (80.) - - - - - X. 395

3. *Home Consumption, Ireland:*

Annual quantity of cotton-yarn and cotton-wool retained for home consumption in Ireland, in triennial periods, 1790, 1800, 1810, 1820, 1830, with the value of duty; (in 98.) - - - - - X. 273

Cotton Factories:

Bill to repeal the laws relating to apprentices and other young persons employed in cotton and other factories, and in cotton and other mills, and to make further provision in lieu thereof; (163. 278. 393.) - - - - - I. 121. 127. 135

County Rates. *see Glamorgan County Rates. Local Taxation.*Court of Common Pleas. *see Offices.*Court of Conscience. *see Dublin, 1.*Court of Exchequer, Ireland. *see Compensation, 2.*

Courts of Justice, Ireland:

Twentieth Report of the Commissioners appointed to inquire into the duties, salaries and emoluments of the several officers, clerks and ministers of justice, in all Temporal and Ecclesiastical Courts in Ireland; [Office of Registry of Deeds;] (365.) - - - - - IV. 217

see Admiralty Court. Chancery. Compensation. Courts of Justice. Dublin Court of Conscience. Prerogative Court. Registrar. Sasines. Sederunt. Acts of. Sheriff Courts. Signet.

Creditors:

Bill to continue for a further term an Act of 54 Geo. 3, for rendering the payment of creditors more equal and expeditious in Scotland; (141.) - - - - - I. 69
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Crime. see *Commitments.*

Criminal Lunatics. see *Miscellaneous Services*, III.

Criminal Offenders. see *Commitments.*

Criminal Prosecutions, Ireland. see *Miscellaneous Services, Ireland*, 2.

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Crown Lands:

Returns of monies expended by the Commissioners of His Majesty's Woods, Forests and Land Revenues, relative to Land Tax on Crown lands; (370.) XIII. 1

Returns explanatory of the disposition and management of all manors, messuages, &c. in England and Wales, specified in the Report of 1786, describing the estates which have been sold, the present condition of the parts undisposed of, (except property acquired by the Crown for the Regent-street Acts); All messuages, &c. acquired by the Crown for the purposes of Regent-street, &c.; All leases granted under the authority of the Regent-street Act; Number of Acts of inclosure since 1786, stating the number of acres allotted to the Crown; Number of acres in the Royal forests, distinguishing commonable and timber lands; Monies received since 1786 from rents, fines, sales, with the appropriation of the money so received; (128.) XIII. 3

Crown Reserves. see *Canada*, 2.

Customs and Excise:

1. *Home Consumption:*

Quantities of the following articles which have paid the duties of customs and excise for home consumption, showing the rate and amount of duty in 1829; tobacco and foreign wines in Great Britain and Ireland; sugar, tea, coffee and glass in Great Britain;—A similar account of brandy and geneva imported into Great Britain since the year 1789;—A similar account of sugar imported into Ireland since the year 1789; (28.) X. 217

Quantity of malt, sugar and tea, paying duty for home consumption in Ireland, 1780—1830, showing the amount and rate of duty;—Number of yards of linen cloth, and of linen and cotton cloth mixed, and of sail cloth, for which bounty was paid on exportation from Ireland, 1780—1830; (97.) X. 231

Rate of the duty of customs and excise on soap, candles, coals carried coastwise, leather, salt, malt, beer, sugar, tea and coffee, payable 5th January 1792 and 5th January 1831; (146.) X. 213

2. *Lidney Creek:*

Account of the customs duties paid at Lidney Creek, Gloucester, 1808—1830, distinguishing each year, and the quantities and species of goods for which the duties were paid, and whether such duties were paid for goods carried coastwise or to foreign parts, and expenses incurred for the establishment of the Custom-house there; (291.) X. 223

see also *Belfast. Excise Licences. Man, Isle of. Offices. Wines.*

Customs and Excise Oaths:

Bill for diminishing the number of oaths required to be taken by the laws relating to the revenue of Customs and Excise; (384.) II. 139

Copy of a Minute of the Treasury, dated 24th December 1830, relative to the discontinuance of unnecessary oaths in the departments of the Customs and Excise; (355.) X. 241

Number and description of oaths and affidavits legally required and demanded by the Boards of Customs and Excise, and their officers, in 1830; (184.) X. 243

Cutlery:

Value of cutlery exported in 1792 and 1829, distinguishing the real from the official value, and stating the rates at which the respective denominations of value are calculated; (in 183.) X. 401

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Dartmouth. see *Assessed Taxes.*

Deals. see *Timber.*

Dean Forest Boundaries:

Bill for ascertaining the boundaries of the Forest of Dean, and for inquiring into the rights and privileges claimed by free miners of the hundred of Saint Briavels, and for other purposes relating to the said forest; (243.) I. 411

Death, Punishment of. see *Commitments.*

Debt, National :

Gross amount of all Bank annuities and long annuities, and any other annuities, and of sums of money paid or transferred to the Commissioners for the Reduction of the National Debt, and the gross amount of annuities, by 10 Geo. 4, c. 24, in 1830;—Gross amount of all sums received and paid by the Commissioners for the Reduction of the National Debt, on account of Savings Banks and Friendly Societies, 1817—1830; (208.) - - - - - V. 325

Sums received and expended in 1830 by the Commissioners for the Reduction of the National Debt; (in 115.) - - - - - V. 317

Debt, Public :

Account of all additions which have been made to the annual charge of the Public Debt, by the interest of any loan, subsequent to 27 Geo. 3, c. 13; and also showing how the charge incurred in respect of the same has been provided for in 1830; (253.) - - - - - V. 331

Account of the unredeemed capital of the Public Funded Debt; amount of Exchequer bills and terminable annuities, whether for lives or years, outstanding or payable on 5th January 1828, and 5th January 1831; Charge of interest and management, 1828; Sum required in 1831 for the interest of Exchequer Bills, and sum paid in 1828; and payments from the Consolidated Fund, 1827—1830; (248.) - - - - - V. 341

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Debtors :

Bill to prevent debtors from defrauding their creditors by lying in prison or absconding from England; (236.) - - - - - I. 45

Number of warrants granted for debt, by the sheriffs of London and Middlesex, and by the sheriff of Surrey, 1830; and number of prisoners for debt, during the same period, in the custody of the keepers of the King's Bench, the Fleet, Whitecross-street, the Marshalsea, and Horsemonger-lane prisons; (142.) - - - - - XII. 511

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Deeds. see *Courts of Justice, Ireland. Registrar of Deeds.*

Demise of the Crown. see *Offices, Continuance of.*

Deputy Lieutenants, Scotland :

Bill to indemnify persons who have acted as Deputy-Lieutenants in Scotland without due qualification; (296. 310.) - - - - - I. 419. 423

Disposition of Grants. see *Finance.*

Dissenting Ministers, Ireland. see *Miscellaneous Services, Ireland, 2.*

Distillation of Spirits in Ireland. see *Malt.*

Distribution of the Forces. see *Army, 1.*

Domingo, St., Sufferers. see *Miscellaneous Services, III.*

Donaghadee Harbour. see *Miscellaneous Services, I.*

Droits of the Admiralty. see *Admiralty Droits. Civil List.*

Droits of the Crown :

Return of droits of the Admiralty, droits of the Crown, and other receipts from war by the Crown, not granted by the Prize Acts, from 1793 to 1815; (27.) VI. 513

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Dublin :

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Number of gallons of foreign wine upon which duty has been paid for home consumption in the United Kingdom, and the rate of duty per gallon, stated in the imperial measure, for 1830; distinguishing Cape, French, Madeira, Portugal, Spanish, Rhenish, and other sorts, and stating the gross and net produce of duty for the year; (345.) - - - - - X. 493

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Woollen Manufactures :

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